

# **JUDICIARY COMMITTEE**

**One-Hundred Fourth Nebraska Legislature**

**2015**

**2016**

## **SUMMARY AND DISPOSITION OF BILLS**



**Senator Les Seiler, Chairperson**  
**Senator Colby Coash, Vice-Chairperson**  
**Senator Ernie Chambers**  
**Senator Laura Ebke**  
**Senator Bob Krist**  
**Senator Adam Morfeld**  
**Senator Patty Pansing Brooks**  
**Senator Matt Williams**

**Committee Staff: Diane Amdor, Committee Counsel**  
**Josh Henningsen, Committee Counsel**  
**Oliver VanDervoort, Committee Clerk**

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LB/LR	INTRODUCER	ONE-LINER	HEARING DATE	COMMITTEE DISPOSITION	COMMENTS	FINAL DISPOSITION
13	Krist	Change Community-based Juvenile Services Aid Program provisions	2/26/15	Placed on General File with Amendment(s)	Partially amended into LB265; LB265 passed, LB13 was IPP'd on May 29, 2015.	IPP'd*
14	Krist	Create the offense of use of a facsimile firearm or nonfunctioning firearm to commit a felony	3/19/15	Still In Committee		IPP'd
15	Krist	Require the Supreme Court to provide standards and provide and change duties for and compensation of guardians ad litem	2/26/15	Placed on General File with Amendment(s)		PASSED
22	Krist	Provide immunity from liability for engineers and architects for emergency services	1/21/15	Still In Committee		IPP'd
25	Krist	Change court jurisdiction relating to 17 year olds and young adults	2/25/15	Placed on General File with Amendment(s)	Partially amended into LB265; LB265 passed, LB25 was IPP'd on April 20, 2016.	IPP'd*
30	McCoy	Prohibit disclosure of any applicant or permit holder information regarding firearms registration, possession, sale, or use as prescribed	3/19/15	Placed on General File with Amendment(s)		IPP'd
38	Kolowski	Change motor vehicle homicide penalties and provide penalties for causing serious bodily injury to vulnerable road users	1/28/15	Still In Committee		IPP'd
43	Coash	Provide for standby guardians and recovery of assets under the Nebraska Probate Code	1/21/15	Placed on General File with Amendment(s)		PASSED
44	Coash	Change provisions relating to a notice of objection to adoption	1/23/15	Still In Committee		IPP'd
60	Kintner	Authorize possession of firearms as prescribed	1/22/15	Still In Committee		IPP'd
66	Schumacher	Require political subdivisions to make disclosures regarding bonds and provide for liability	1/21/15	Still In Committee		IPP'd
72	Schumacher	Provide restrictions on trusts for collection of medicaid reimbursement obligations and require notice of inheritance tax petitions	1/21/15	Placed on General File with Amendment(s)		PASSED
88	Campbell	Change fees relating to marriage licenses	1/21/15	Placed on General File		PASSED
113	Larson	Provide a co-payment for correctional inmates' health care services	2/18/15	Placed on General File with Amendment(s)		IPP'd
114	McCoy	Redefine ambulatory surgical center and health clinic under the Health Care Facility Licensure Act	3/18/15	Still In Committee		IPP'd
119	Schumacher	Change where certain sentences of imprisonment may be served	2/12/15	Still In Committee		IPP'd
120	Schumacher	Provide for seizure of license plates of certain uninsured motor vehicles or trailers as prescribed	1/28/15	Still In Committee		IPP'd
136	Johnson	Prohibit flying lanterns	3/19/15	Placed on General File		PASSED
137	Johnson	Change provisions relating to discharge of a firearm	1/22/15	Placed on General File with Amendment(s)		IPP'd
167	Mello	Provide duties for the Office of Violence Prevention and change funding provisions	1/28/15	Placed on General File		PASSED
172	Chambers	Eliminate certain mandatory minimum penalties	2/11/15	Still In Committee*	Amended into LB173; LB173 and LB172 were IPP'd on April 20, 2016.	IPP'd
173	Chambers	Eliminate certain mandatory minimum penalties and change habitual criminal provisions	2/11/15	Placed on General File with Amendment(s)	Provisions/portions of LB172 amended into LB173 by AM472. LB173 and LB172 were IPP'd on April 20, 2016.	IPP'd
184	Ebke	Change prohibited locations to carry a concealed handgun	1/22/15	Still In Committee		IPP'd
187	Kintner	Require the Department of Health and Human Services and health care facilities to provide information regarding abortion	3/18/15	Still In Committee		IPP'd
188	Watermeier	Change provisions relating to innocent third parties injured during a vehicular pursuit	1/23/15	Placed on General File with Amendment(s)		IPP'd

LB/LR	INTRODUCER	ONE-LINER	HEARING DATE	COMMITTEE DISPOSITION	COMMENTS	FINAL DISPOSITION
189	Davis	Change provisions and penalties relating to marijuana and alphabetize definitions	1/28/15	Placed on General File with Amendment(s)		IPP'd
190	Bloomfield	Change concealed handgun permit application provisions	1/22/15	Placed on General File with Amendment(s)		PASSED
194	Seiler	Create the Supreme Court Attorney Services Cash Fund	1/29/15	Placed on General File		PASSED
195	Seiler	Change provisions relating to summons and orders of garnishment on financial institutions	3/5/15	Placed on General File with Amendment(s)		PASSED
209	Hilkemann	Adopt the Political Subdivisions Mandatory Mediation Act	1/23/15	Indefinitely postponed	IPP'd by Committee on January 30, 2015.	IPP'd
212	Chambers	Prohibit use of restraints in juvenile courts as prescribed	2/25/15	Indefinitely postponed*	Partially amended into LB482; LB482 passed, LB212 was IPP'd by the Committee on January 11, 2016.	IPP'd*
215	Craighead	Change provisions relating to theft	1/28/15	Indefinitely postponed	IPP'd by Committee on February 10, 2015.	IPP'd
219	Crawford	Change and eliminate child custody provisions and adopt the Uniform Deployed Parents Custody and Visitation Act	1/23/15	Placed on General File with Amendment(s)		PASSED
221	Harr	Change provisions relating to forcible entry and detainer, the Uniform Residential Landlord and Tenant Act, and disposition of a tenant's personal property upon death	2/6/15	Placed on General File with Amendment(s)	Provisions/portions of LB385 amended into LB221 by AM1996.	PASSED
225	Schnoor	Change provisions relating to unlawful possession of a firearm at a school	3/20/15	Still In Committee		IPP'd
244	Pansing Brooks	Change provisions relating to motions for new trial based upon discovery of new evidence	1/30/15	Indefinitely postponed*	Partially amended into LB245; LB245 passed, LB244 was IPP'd by the Committee on January 11, 2016.	IPP'd
245	Pansing Brooks	Change provisions relating to motions for new trial and DNA testing of biological material	1/30/15	Placed on General File with Amendment(s)	Provisions/portions of LB244 amended into LB245 by AM197.	PASSED
253	Morfeld	Change acknowledgment requirements relating to homesteads	2/6/15	Placed on General File with Amendment(s)		PASSED
254	Morfeld	Adopt the Uniform Unsworn Foreign Declarations Act	3/5/15	Placed on General File with Amendment(s)		IPP'd
265	Campbell	Change provisions relating to juveniles and child welfare	2/27/15	Placed on General File with Amendment(s)	Provisions/portions of LB265 amended into LB347. Provisions/portions of LB13 and LB25 amended into LB265 by AM878.	PASSED
268	Chambers	Eliminate the death penalty and change and eliminate provisions relating to sentencing	3/4/15	Placed on General File with Amendment(s)	Governor's veto overridden on May 27, 2015. Referendum 426 repealed LB268 on November 8, 2016.	PASSED - REPEALED
281	Kolowski	Adopt the Child Support for College Savings Act	3/12/15	Still In Committee		IPP'd
289	Ebke	Prohibit certain regulation of firearms, ammunition, and firearm accessories by cities and villages as prescribed	3/19/15	Placed on General File		IPP'd
290	Coash	Eliminate certain notification requirements under the Sex Offender Registration Act and eliminate the offense of unlawful use of the Internet by a prohibited sex offender	2/12/15	Placed on General File	Partially amended into LB292; LB292 passed, LB290 was IPP'd on May 29, 2015.	IPP'd*
292	Coash	Change and eliminate provisions relating to the central registry of child protection cases and sex offender registration	2/25/15	Placed on General File with Amendment(s)	Provisions/portions of LB290 amended into LB292 by AM849.	PASSED

LB/LR	INTRODUCER	ONE-LINER	HEARING DATE	COMMITTEE DISPOSITION	COMMENTS	FINAL DISPOSITION
294	Scheer	Adopt the Human Trafficking Victims Civil Remedy Act, change provisions relating to service of process, evidence of sexual assault, search warrants, temporary custody of juveniles, and foster care reports, change penalties for human trafficking and crimes relating to morals, and provide for forfeiture of assets	3/4/15	Placed on General File with Amendment(s)		PASSED
297	Seiler	Change the salaries of Supreme Court judges	1/29/15	Indefinitely postponed	LB297 was IPP'd by the Committee on January 11, 2016.	IPP'd
299	Schumacher	Change provisions relating to admission of evidence of alibi	1/30/15	Indefinitely postponed	LB299 was IPP'd by the Committee on February 10, 2015.	IPP'd
301	Chambers	Change provisions relating to distribution of court opinions	1/29/15	Placed on General File		PASSED
302	Campbell	Create the offense of rehoming a child	2/27/15	Still In Committee		IPP'd
307	Kolowski	Change provisions relating to stalking and domestic abuse	2/27/15	Still In Committee		IPP'd
314	Hansen	State matters subject to county court jurisdiction	1/29/15	Placed on General File with Amendment(s)		PASSED
316	Kintner	Prohibit joining certain interstate compacts and the sharing of red light camera and speed camera information with other compact members as prescribed	2/19/15	Still In Committee		IPP'd
326	Williams	Change provisions relating to marijuana, amphetamine, and methamphetamine	3/6/15	Placed on General File with Amendment(s)	Partially amended into LB390; LB390 passed, LB326 was IPP'd on May 29, 2015.	IPP'd*
327	Williams	Change provisions relating to garnishment	3/5/15	Placed on General File with Amendment(s)		IPP'd
338	Brasch	Provide a docket fee for paternity determinations and parental support proceedings	1/29/15	Still In Committee		IPP'd
340	Brasch	Provide signage requirements and duties for the Nebraska State Patrol under the Concealed Handgun Permit Act	3/20/15	Still In Committee		IPP'd
347	Krist	Expand the jurisdiction of the Inspector General to include juvenile justice services and allow access to certain records and information	2/26/15	Placed on General File with Amendment(s)	Provisions/portions of LB265 amended into LB347 by AM598.	PASSED
354	McCollister	Change provisions relating to crime victims and witnesses	3/4/15	Indefinitely postponed*	Partially amended into LB605; LB605 passed, LB354 was IPP'd by the Committee on January 11, 2016.	IPP'd*
358	Garrett	Change paternity provisions for a child conceived as a result of sexual assault	3/18/15	Still In Committee		IPP'd
362	Krist	Change eminent domain provisions relating to school sites	3/11/15	Placed on General File		IPP'd
385	Lindstrom	Change provisions relating to forcible entry and detainer and the Uniform Residential Landlord and Tenant Act	2/6/15	Placed on General File with Amendment(s)	Partially amended into LB221; LB221 passed, LB385 was IPP'd on April 20, 2016.	IPP'd*
390	Crawford	Provide for medical use of cannabidiol and naloxone and change controlled substances schedules and transfers to the Nebraska Health Care Cash Fund	3/6/15	Placed on General File with Amendment(s)	Provisions/portions of LB326 and LB546 amended into LB390 by AM1651	PASSED
406	Morfeld	Change provisions relating to actions for the recovery of vacant, platted, and subdivided real property as prescribed	2/19/15	Still In Committee		IPP'd
409	McCollister	Change provisions relating to landlords and tenants	2/6/15	Still In Committee		IPP'd
415	Pansing Brooks	Change provisions relating to the Uniform Interstate Family Support Act	2/19/15	Placed on General File with Amendment(s)		PASSED
416	Pansing Brooks	Change provisions relating to transfers of property upon death	2/6/15	Still In Committee		IPP'd
422	Howard	Provide for reasonable fees and costs for proceedings involving a minor under the Probate Code	3/18/15	Placed on General File		PASSED
425	Riepe	Provide for earned time and discontinue the use of good time	2/18/15	Still In Committee		IPP'd
426	Riepe	Provide for violent offenders and provide powers and duties for the Director of Correctional Services, the Parole Administrator, the Board of Parole, and parole officers	2/18/15	Indefinitely postponed	LB426 was IPP'd by the Committee on March 31, 2015.	IPP'd
433	Baker	Create the offense of false presentation of proof of liability insurance and provide penalties	2/27/15	Still In Committee		IPP'd
434	Cook	Require law enforcement agencies to use theft notification web sites as prescribed	1/30/15	Still In Committee		IPP'd

LB/LR	INTRODUCER	ONE-LINER	HEARING DATE	COMMITTEE DISPOSITION	COMMENTS	FINAL DISPOSITION
437	Ebke	Change provisions relating to the Parenting Act	3/12/15	Indefinitely postponed	LB437 was IPP'd by the Committee on April 10, 2015.	IPP'd
459	Crawford	Change provisions relating to a deposition of a child victim or child witness	3/4/15	Placed on General File with Amendment(s)		IPP'd
463	Harr	Adopt the Technology Information Management Act	3/18/15	Still In Committee		IPP'd
473	Chambers	Eliminate the power of eminent domain for major pipelines	3/11/15	Still In Committee		IPP'd
482	Krist	Change provisions relating to juveniles	2/25/15	Placed on General File with Amendment(s)	Provisions/portions of LB212 amended into LB482 by AM691	PASSED
483	Pansing Brooks	Change provisions relating to indeterminate sentencing	2/11/15	Placed on General File		IPP'd
497	Hadley	Change provisions relating to distribution of marital assets	3/12/15	Still In Committee		IPP'd
502	Krist	State intent to establish a family court pilot project	2/26/15	Still In Committee		IPP'd
504	Krist	Change provisions relating to presentence reports and psychiatric examinations and provide access to substance abuse evaluations	2/5/15	Placed on General File with Amendment(s)		PASSED
505	Krist	Change provisions of the Security, Privacy, and Dissemination of Criminal History Information Act	2/5/15	Placed on General File with Amendment(s)		PASSED
545	Harr	Provide for additional mandatory minimum sentencing as prescribed	2/18/15	Still In Committee		IPP'd
546	Morfeld	Authorize administration of naloxone as prescribed	3/6/15	Placed on General File with Amendment(s)	Partially amended into LB390; LB390 passed, LB546 was IPP'd on May 29, 2015.	IPP'd*
566	Coash	Change provisions relating to Indian child welfare	2/26/15	Placed on General File with Amendment(s)		PASSED
586	Morfeld	Prohibit discrimination based upon sexual orientation and gender identity	2/4/15	Placed on General File with Amendment(s)		IPP'd
592	Bolz	Change provisions relating to corrections and parole and mentally ill offenders	2/20/15	Indefinitely postponed*	Partially amended into LB598; LB598 passed, LB592 was IPP'd by the Committee on January 11, 2016.	IPP'd*
598	Schumacher	Adopt the Office of Inspector General of the Nebraska Correctional System Act and change and provide requirements regarding inmates with mental illness, levels of confinement, parole, and prison overcrowding	2/20/15	Placed on General File with Amendment(s)	Provisions/portions of LB592 and 606 amended into LB598 by AM928.	PASSED
602	Retirement Committee	Change collection provisions relating to judges retirement fees	2/4/15	Placed on General File with Amendment(s)	Provisions/portions of LB602 amended into LB468; LB468 passed, LB602 was IPP'd on May 29, 2015.	IPP'd*
603	Bloomfield	Provide for processing and certification of federal firearms forms as prescribed	3/19/15	Still In Committee		IPP'd
605	Mello	Provide, change, and eliminate penalties, punishments, sentencing, restitution, probation, parole, and crime victim provisions and provide for post-release supervision, grants, and suspension of medical assistance for inmates	2/20/15	Placed on General File with Amendment(s)	Provisions/portions of LB12 amended into LB605 by AM1010. Provisions/portions of LB354 amended into LB605 by AM1530.	PASSED
606	Mello	Adopt the Office of Inspector General of the Nebraska Correctional System Act, change provisions relating to the Public Counsel, and mandate a declaration by the Governor of a correctional system overcrowding emergency as prescribed	2/20/15	Indefinitely postponed*	Partially amended into LB598; LB598 passed, LB606 was IPP'd by the Committee on January 11, 2016.	IPP'd*
612	Kintner	Change provisions relating to force in self-protection	2/27/15	Still In Committee		IPP'd
620	Larson	Change provisions relating to lawsuits against public participation	3/5/15	Still In Committee		IPP'd
625	Krist	Adopt the Interstate Placement for Involuntarily Admitted Patients Agreement Act	3/12/15	Still In Committee		IPP'd
630	Krist	Provide duties for the Nebraska State Patrol regarding criminal history record information checks	2/5/15	Still In Committee		IPP'd
635	Garrett	Change where a permit holder may carry a concealed handgun under the Concealed Handgun Permit Act	3/20/15	Still In Committee		IPP'd
638	Garrett	Change permit expiration provisions for members of the armed forces or their spouses under the Concealed Handgun Permit Act	3/20/15	Still In Committee		IPP'd

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643	Garrett	Adopt the Medical Cannabis Act	3/6/15	Placed on General File with Amendment(s)		IPP'd
647	Nordquist	Prohibit discrimination relating to child placement	2/4/15	Still In Committee		IPP'd
648	Howard	Provide for adoption by two adult persons	2/4/15	Still In Committee		IPP'd
651	Bloomfield	Change liability for certain court costs as prescribed	2/5/15	Indefinitely postponed	LB651 was IPP'd by the Committee on February 10, 2015.	IPP'd
663	Hadley	Change judges' salaries	2/4/15	Placed on General File with Amendment(s)		PASSED
670	Krist	Require a hearing prior to release for persons taken into custody for mental health reasons	2/17/16	Still In Committee		IPP'd
673	Krist	Change provisions relating to appointment of guardians ad litem	1/20/16	Placed on General File with Amendment(s)	Partially amended into LB894; LB894 passed, LB673 was IPP'd on April 20, 2016.	IPP'd*
675	Krist	Change provisions relating to placement and detention of juveniles	1/20/16	Still In Committee		IPP'd
679	Krist	Change reporting requirements of the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice	2/4/16	Placed on General File		PASSED
681	Schnoor	Change certain violation and penalty provisions under the Concealed Handgun Permit Act	3/3/16	Still In Committee		IPP'd
693	Morfeld	Change limitation of action provisions under the Political Subdivisions Tort Claims Act	1/28/16	Still In Committee		IPP'd
707	Coash	Increase the number of judges of the separate juvenile court	3/2/16	Placed on General File		IPP'd
709	Howard	Provide for an alternative to detention for juveniles	1/20/16	Still In Committee	Partially amended into LB894; LB894 passed, LB709 was IPP'd on April 20, 2016.	IPP'd*
710	Hughes	Change provisions relating to hazing	2/4/16	Placed on General File with Amendment(s)		PASSED
720	Kuehn	Change certain invasion of privacy provisions to include unmanned aircraft or unmanned aircraft systems	2/25/16	Still In Committee		IPP'd
738	Ebke	Prohibit the use of cell-site simulator technology or devices by law enforcement agencies	1/21/16	Still In Committee*	LB738 was partially amended into LB831; both bills were IPP'd on April 20, 2016.	IPP'd
744	Watermeier	Provide for communication and contact agreements in private and agency adoptions	1/22/16	Placed on General File with Amendment(s)		PASSED
757	Brasch	Change provisions relating to personal property exemptions in cases of forced sale or execution or attachment	2/11/16	Placed on General File		IPP'd
767	Garrett	Prohibit dismemberment abortion as prescribed and provide for civil and criminal penalties	3/2/16	Still In Committee		IPP'd
769	Garrett	Change provisions relating to firearms	3/3/16	Still In Committee		IPP'd
780	Schumacher	Change provisions relating to emergency protective custody	2/3/16	Still In Committee		IPP'd
793	Watermeier	Change provisions and penalties relating to implements for escape and contraband and certain assaults	2/24/16	Still In Committee		IPP'd
815	Stinner	Change provisions relating to petitions for removal of a person's firearms-related disabilities or disqualifications	3/3/16	Placed on General File		IPP'd
829	Harr	Adopt the Revised Uniform Fiduciary Access to Digital Assets Act (2015)	2/11/16	Placed on General File with Amendment(s)		PASSED
831	Hansen	Adopt the Automatic License Plate Reader Privacy Act	1/21/16	Placed on General File with Amendment(s)	Provisions/portions of LB738 amended into LB831 by AM2119; both bills were IPP'd on April 20, 2016.	IPP'd
832	Morfeld	Provide for seizure and sale of a motor vehicle illegally transporting household goods for hire	2/19/16	Still In Committee		IPP'd
833	Schumacher	Change provisions relating to child support enforcement actions	1/22/16	Still In Committee		IPP'd

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835	Mello	Change provisions relating to consumer protection	1/28/16	Placed on General File with Amendment(s)		PASSED
839	Chambers	Require background checks and other requirements for persons purchasing certain types of tactical gear	2/18/16	Indefinitely postponed	LB839 was IPP'd by the Committee on February 24, 2016.	IPP'd
843	Pansing Brooks	Provide immunity from prosecution for prostitution and change forensic medical examination provisions	2/10/16	Placed on General File with Amendment(s)	Provisions/portions of LB1097 amended into LB843 by AM2335.	PASSED
845	Pansing Brooks	Provide requirements relating to confinement of juveniles and provide a duty for the Inspector General of Nebraska Child Welfare	1/20/16	Still In Committee*	Partially amended into LB894; LB894 passed, LB845 was IPP'd on April 20, 2016.	IPP'd*
846	Pansing Brooks	Require law enforcement agencies to adopt a policy regarding suspect identifications by witnesses	1/21/16	Placed on General File with Amendment(s)	Partially amended into LB1000; LB1000 passed, LB846 was IPP'd on April 20, 2016.	IPP'd*
847	Pansing Brooks	Change provisions relating to juries	2/17/16	Placed on General File with Amendment(s)		IPP'd
848	Pansing Brooks	Change provisions relating to courts	3/2/16	Still In Committee		IPP'd
854	Coash	Adopt the Self-Service Storage Facilities Act and provide for a lien on certain property	1/28/16	Still In Committee		IPP'd
861	Schumacher	Provide for court review of inmate restrictive housing placement as prescribed	2/4/16	Placed on General File		IPP'd
885	Davis	Provide student journalists the right to exercise freedom of speech and of the press	2/25/16	Placed on General File		IPP'd
890	Brasch	Change provisions relating to actions involving motor vehicle collisions with domestic animals	2/19/16	Indefinitely postponed	LB890 was IPP'd by the Committee on March 1, 2016.	IPP'd
892	Kintner	Change provisions relating to intimidation by telephone call	2/11/16	Still In Committee		IPP'd
893	Pansing Brooks	Modify jurisdiction of juvenile courts and change provisions relating to temporary custody and disposition of juveniles	1/22/16	Still In Committee*	Partially amended into LB894; LB894 passed, LB893 was IPP'd on April 20, 2016.	IPP'd*
894	Pansing Brooks	Change provisions relating to juveniles	1/20/16	Placed on General File with Amendment(s)	Provisions/portions of LB673 amended into LB894 by AM2610. Provisions/portions of LB709, LB845, and LB893 amended into LB894 by AM1962.	PASSED
910	Bolz	Change provisions relating to the Office of Parole Administration, restrictive housing provided by correctional services, and ineligibility of certain felons for benefits as prescribed	2/4/16	Placed on General File with Amendment(s)	Partially amended into LB1094; LB1094 passed. Provisions/portions of LB690 amended into LB910 by AM2469; LB910 and LB690 were IPP'd on April 20, 2016.	IPP'd*
915	McCollister	Create a veterans' treatment court pilot project	2/5/16	Still In Committee	Partially amended into LB919; LB919 passed, LB915 was IPP'd on April 20, 2016.	IPP'd*
916	Howard	Provide immunity from criminal or civil liability for removal of an animal from a motor vehicle by forcible entry as prescribed	2/19/16	Still In Committee		IPP'd
919	Williams	Change provisions relating to problem solving court programs	2/5/16	Placed on General File with Amendment(s)	Provisions/portions of LB915 amended into LB919 by AM2171.	PASSED
920	Pansing Brooks	Add members to the Nebraska Police Standards Advisory Council	2/18/16	Still In Committee		IPP'd
924	Kolterman	Provide an additional withholding procedure for certain payments under the Income Withholding for Child Support Act	1/22/16	Placed on General File		PASSED
932	Crawford	Redefine not-for-profit organization for purposes of liability provisions	1/28/16	Still In Committee		IPP'd

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934	Coash	Provide a penalty for exploiting senior adults, provide for appointment, powers, and duties of guardians ad litem, and change provisions of the Public Guardianship Act	2/3/16	Placed on General File with Amendment(s)	Provisions/portions of LB1007 amended into LB934 by AM2276. Provisions/portions of LB1008 amended into LB934 by AM2190.	PASSED
937	Ebke	Eliminate a prohibition on marriage of persons with venereal disease	1/27/16	Still In Committee		IPP'd
943	Hansen	Update references with respect to husband and wife	1/27/16	Still In Committee		IPP'd
944	Hansen	Change terminology relating to parentage and marital relationships	1/27/16	Still In Committee		IPP'd
947	Mello	State intent relating to professional or commercial licenses for certain aliens and restrict credential issuance as prescribed	2/11/16	Placed on General File with Amendment(s)	Governor's veto overridden on April 20, 2016.	PASSED
953	Kolterman	Provide protection for qualified adults from financial exploitation	2/3/16	Still In Committee		IPP'd
965	Cook	Provide for expungement of records for persons charged with or found guilty of a crime because of stolen identity or mistaken identity	2/24/16	Still In Committee		IPP'd
966	Kintner	Adopt the Refugee Resettlement Agency Indemnification Act	2/19/16	Still In Committee		IPP'd
971	Gloor	Change provisions relating to restoration of seized firearms	3/3/16	Placed on General File		IPP'd
975	Kolterman	Adopt the Child Welfare Services Preservation Act	2/17/16	Placed on General File with Amendment(s)		IPP'd
976	Seiler	Change provisions relating to jury sequestration			Bill withdrawn on February 9, 2016.	Withdrawn
980	Morfeld	Change penalty provisions for certain violations relating to or committed by persons experiencing or witnessing a drug overdose	2/10/16	Still In Committee		IPP'd
984	Schumacher	Change provisions relating to mandatory minimum sentencing and sentencing of habitual criminals	2/10/16	Still In Committee		IPP'd
990	Davis	Adopt the Fetal Dignity Protection Act	3/2/16	Placed on General File with Amendment(s)		IPP'd
991	McCollister	Redefine crime victim	2/5/16	Still In Committee		IPP'd
1000	Mello	Require policies relating to body-worn cameras and eyewitness suspect identifications and change provisions relating to grand juries	2/18/16	Placed on General File with Amendment(s)	Provisions/portions of LB846 amended into LB1000 by AM2704. Provisions/portions of LB1055 amended into LB1000 by AM2704.	PASSED
1007	Coash	Change and provide provisions relating to protection of vulnerable adults and senior adults	2/5/16	Placed on General File with Amendment(s)	Partially amended into LB934; LB934 passed, LB1007 was IPP'd on April 20, 2016.	IPP'd*
1008	Coash	Provide qualification requirements for guardians ad litem in guardianship, conservatorship, and other protective proceedings	2/3/16	Still In Committee*	Partially amended into LB934; LB934 passed, LB1008 was IPP'd on April 20, 2016.	IPP'd*
1009	Williams	Prohibit transactions involving lookalike substances, provide and change seizure and forfeiture authority, and prohibit conduct as deceptive trade practices	1/28/16	Placed on General File with Amendment(s)		PASSED
1010	Williams	Change provisions relating to juvenile court petitions	2/17/16	General File		PASSED
1023	Ebke	Require development of treatment protocols for and a needs assessment of committed offenders and correctional facilities	2/4/16	Still In Committee		IPP'd
1027	Morfeld	Create and provide funding for the Campus Sexual Assault Prevention Grant Program and provide duties for the Attorney General	2/5/16	Still In Committee		IPP'd
1054	Hilkemann	Change provisions relating to the DNA Identification Information Act	2/18/16	Still In Committee		IPP'd
1055	Chambers	Open grand jury proceedings to the public as prescribed and change procedures in cases of death during apprehension by law enforcement officers or while in custody	2/24/16	Placed on General File with Amendment(s)	Partially incorporated into LB1000; LB1000 passed, LB1055 was IPP'd on April 20, 2016.	IPP'd*
1056	Chambers	Adopt the Patient Choice at End of Life Act	2/24/16	Still In Committee	LB1056 was indefinitely postponed on April 4, 2016, following a failed motion to place LB1056 on General File pursuant to Rule 3, Section 20(b).	IPP'd

LB/LR	INTRODUCER	ONE-LINER	HEARING DATE	COMMITTEE DISPOSITION	COMMENTS	FINAL DISPOSITION
1058	Crawford	Change provisions relating to enforcement of certain tobacco restriction provisions	2/25/16	Still In Committee		IPP'd
1072	Haar	Adopt the Fair Repair Act and provide a penalty	2/25/16	Still In Committee		IPP'd
1075	Schilz	Change provisions of the Disposition of Personal Property Landlord and Tenant Act	2/11/16	Placed on General File		PASSED
1079	Pansing Brooks	Redefine law enforcement agency and change provisions relating to law enforcement officer jurisdiction	2/10/16	Still In Committee		IPP'd
1090	Hansen	Require notification of law enforcement by the Nebraska State Patrol of denials of handgun certificates as prescribed	3/3/16	Still In Committee		IPP'd
1094	Judiciary Committee	Change provisions relating to evidence, sentencing, certain criminal penalties, criminal mischief, assault, theft, forgery, probation, parole, and the Inspector General of the Nebraska Correctional System	2/4/16	Placed on General File with Amendment(s)	Provisions/portions of LB910 amended into LB1094 by AM2721.	PASSED
1097	Morfeld	Change provisions relating to sexual assault forensic testing	2/18/16	Still In Committee*	Partially amended into LB843; LB843 passed, LB1097 was IPP'd on April 20, 2016.	IPP'd*
1098	Morfeld	Increase legal services fees as prescribed	2/17/16	Placed on General File		PASSED
1103	Schumacher	Change provisions relating to medicaid reimbursements, provide for a lien, and change estate procedures	2/3/16	Placed on General File with Amendment(s)		IPP'd
1106	Garrett	Change forfeiture provisions as prescribed	2/10/16	Placed on General File with Amendment(s)	Provisions/portions of LB1108 amended into LB1106 by AM2389.	PASSED
1108	Garrett	Require reporting to the Auditor of Public Accounts and the Legislature regarding civil forfeiture proceedings	2/10/16	Still In Committee*	Partially amended into LB1106; LB1106 passed, LB1108 was IPP'd on April 20, 2016.	IPP'd*
LR389CA	Harr	Constitutional amendment to remove provisions regarding marriage from the Constitution of Nebraska	1/27/16	Still In Committee		IPP'd
LR398CA	Bloomfield	Constitutional amendment to provide for election of judges and eliminate the merit plan for selection of judges	3/2/16	Still In Committee		IPP'd

**Nebraska Legislature  
Judiciary Committee  
2015-2016  
Disposition Summary**

**Withdrawn:** *(1 bill)* 976

**IPP'D by Committee\*:** *(14 bills)* 209, 212\*, 215, 244\*, 297, 299, 354\*, 426, 437, 592\*, 606\*, 651, 839, 890

**Held in Committee, IPP'd at end of session\*:** *(84 bills)* 14, 22, 38, 44, 60, 66, 114, 119, 120, 172, 184, 187, 225, 281, 302, 307, 316, 338, 340, 358, 406, 409, 416, 425, 433, 434, 463, 473, 497, 502, 545, 603, 612, 620, 625, 630, 635, 638, 647, 648, 670, 675, 681, 693, 709\*, 720, 738, 767, 769, 780, 793, 832, 833, 845\*, 848, 854, 892, 893\*, 915\*, 916, 920, 932, 937, 943, 944, 953, 965, 966, 980, 984, 991, 1008\*, 1023, 1027, 1054, 1056, 1058, 1072, 1079, 1090, 1097\*, 1108\*, LR389CA, LR398CA

**Advanced by Committee, IPP'd\*:** *(37 bills)* 13\*, 25\*, 30, 113, 137, 173, 188, 189, 254, 289, 290\*, 326\*, 327, 362, 385\*, 459, 483, 546\*, 586, 602\*, 643, 673\*, 707, 757, 815, 831, 846\*, 847, 861, 885, 910\*, 971, 975, 990, 1007\*, 1055\*, 1103

**Enacted 2015-2016:** *(49 bills)* 15, 43, 72, 88, 136, 167, 190, 194, 195, 219, 221, 245, 253, 265, 268, 292, 294, 301, 314, 347, 362, 390, 415, 422, 482, 504, 505, 566, 598, 605, 663, 679, 710, 744, 829, 835, 843, 894, 919, 924, 934, 947, 1000, 1009, 1010, 1075, 1094, 1098, 1106

**\*Provisions Amended into Other Bills, Enacted:**

LB13 amended into LB265  
LB25 amended into LB265  
LB212 amended into LB482  
LB244 amended into LB245  
LB290 amended into LB292  
LB326 amended into LB390  
LB354 amended into LB605  
LB385 amended into LB221  
LB546 amended into LB390  
LB592 amended into LB598  
LB602 amended into LB468  
LB606 amended into LB598  
LB673 amended into LB894  
LB709 amended into LB894  
LB845 amended into LB894  
LB846 amended into LB1000  
LB893 amended into LB894  
LB910 amended into LB1094  
LB915 amended into LB919  
LB1007 amended into LB934  
LB1008 amended into LB934  
LB1055 amended into LB1000  
LB1097 amended into LB843  
LB1108 amended into LB1106

**BILLS REFERRED TO THE JUDICIARY COMMITTEE  
DURING THE 104<sup>TH</sup> LEGISLATURE**

**LB13 (Krist) Change Community-based Juvenile Services Aid Program provisions**

*(Placed on General File with Judiciary Committee amendment. Partially amended into LB265; LB265 passed, LB13 was indefinitely postponed on May 29, 2015.)*

*Partially amended into LB265 by AM878*

The original version of LB13 set aside ten percent of the General Fund appropriation to the Community-based Juvenile Services Aid Program to develop a common data system to assess the effectiveness of the program. The bill also required aid recipients to submit a biannual report with individual and program level data specified in the statute and in rules to be promulgated by the Nebraska Commission on Law Enforcement and Criminal Justice. Collection and analysis of the data would be conducted by the University of Nebraska at Omaha Juvenile Justice Institute.

The public hearing for LB13 was February 26, 2015 and the Committee advanced the bill with AM466. This amendment clarified and provided additional detail to LB13. The amendment excluded administrative costs from the ten percent set aside and prescribed the share of funds to be allocated for development and evaluation. AM466 also provided additional detail as to the responsibilities of the University of Nebraska at Omaha Juvenile Justice Institute in developing data collection practices and reporting. The amendment also allowed aid recipients to file reports annually and electronically.

The provisions of LB13, as amended by AM466, were amended into LB265 as part of AM878. Following approval of LB265, LB13 was indefinitely postponed.

**LB14 (Krist) Create the offense of use of a facsimile firearm or nonfunctioning firearm to commit a felony**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB14 would have amended 28-1201 to define a new term and create a new offense, use of a facsimile or nonfunctioning firearm to commit a felony. The bill would also have added “the use of a facsimile firearm to commit a felony” to the list of offenses that constitute unlawful gang recruitment.

The penalty for use of a facsimile or nonfunctioning firearm to commit a felony would be a Class III felony. With the passage of LB605 (2015), the penalty for a Class III felony is now 0 to 4 years imprisonment, with 9 months to 2 years post-release supervision if imprisonment is imposed.

The bill would have defined the term “facsimile firearm” to mean “any replica, toy, starter pistol, or other object that bears a reasonable resemblance to or that reasonably can be perceived to be

an actual firearm.” Under the current definition, “firearm” means “any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of any such weapon.”

LB14 was indefinitely postponed at the end of the 2016 session.

**LB15 (Krist) Require the Supreme Court to provide standards and provide and change duties for and compensation of guardians ad litem**

*(Placed on General File with Judiciary Committee amendment. LB15 passed by a 47-0-2 vote on April 23, 2015.)*

LB15 allows guardians ad litem to continue be compensated on a per-case basis or pursuant to a multi-case contract, but requires the guardian ad litem to prepare and submit an itemized billing statement to the court and the entity the guardian ad litem contracts with for payment.

LB15 defined “consultation” as meeting the juvenile in person, unless exceptional circumstances prevent such a meeting.

The public hearing for LB15 was February 26, 2015 and the Committee advanced the bill with AM514.

AM514 added an emergency clause and required guardians ad litem to consult with a juvenile in his or her placement within two weeks after appointment. The amendment also required guardians ad litem to submit written reports containing certain information at dispositional, review or permanency planning hearings and itemized billing statements to the court and the contracting entity regardless of the method of compensation.

AM1005 was adopted on Select File and required the Supreme Court to adopt standards for guardians ad litem in juvenile court proceedings into court rules by July 1, 2015. AM1067 was also adopted.

LB15 was passed by the Legislature and approved by the Governor.

**LB22 (Krist) Provide immunity from liability for engineers and architects for emergency services**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB22 would provide immunity from civil liability to architects and engineers providing volunteer services during an emergency. The public hearing on the bill was January 21, 2015; the Committee took no further action on the bill.

LB22 was indefinitely postponed at the end of the 2016 session.

**LB25 (Krist) Change court jurisdiction relating to 17 year olds and young adults**  
*(Placed on General File with Judiciary Committee amendment. LB25 was incorporated into LB265; LB265 passed, LB25 was indefinitely postponed on April 20, 2016.)*

LB25 had two parts. Sections 1 and 3 of LB25 clarified that the juvenile court has concurrent original jurisdiction with the county or district court as to a juvenile alleged to have committed a misdemeanor until the juvenile court has exclusive original jurisdiction over these cases beginning January 1, 2017. These sections of the bill were amended into LB265 as part of AM878.

The second part of the bill changed the juvenile court's jurisdiction over young adults. Section 2 defines "young adult" as an individual older than eighteen but under twenty-one years of age. Section 4 would extend the juvenile court's jurisdiction to young adults alleged to have committed a criminal or status offense that were eighteen years of age or younger at the time the offense was committed. The young adult must consent to the court's extended jurisdiction for the purposes of continuing services or treatment. The court's jurisdiction may be extended up to six months at a time and the treatment and services to be provided must be specified by court order. AM605 would require the juvenile court to initiate proceedings to seal its records upon termination of its jurisdiction.

The public hearing on the bill was February 25, 2015. The Committee advanced the bill to General File with AM605. LB25 was incorporated into LB265; LB265 passed, LB25 was indefinitely postponed at the end of the 2016 session.

**LB30 (McCoy) Prohibit disclosure of any applicant or permitholder information regarding firearms registration, possession, sale, or use as prescribed**  
*(Placed on General File with Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

LB30 would have prohibited the disclosure of certain information regarding firearms registration, possession, sale, or use.

The bill provides that any information regarding firearm registration, possession, sale, or use is confidential and shall not be considered a public record within the meaning of sections 84-712 to 84-712.09. This section would govern information obtained by the Nebraska State Patrol or any other federal, state, county, or local department or agency. The bill also states that the information shall be available upon request for "specific investigatory purposes" to all federal, state, county, and local law enforcement agencies.

After adopting AM29, the Committee advanced LB30 by a 5-0 vote, with one member absent and two members present, not voting. As amended, information regarding firearm registration, possession, sale, or use would continue to be available to all federal, state, county, and local law enforcement agencies.

No further action was taken on the bill; LB30 was indefinitely postponed at the end of the 2016 session.

**LB38 (Kolowski) Change motor vehicle homicide penalties and provide penalties for causing serious bodily injury to vulnerable road users**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB38 would have amended 28-306 to define a new term and provide a new penalty, for careless driving that causes the death of or serious bodily injury to a “vulnerable road user”. As introduced, the penalty for causing death would be the same as the penalty for causing serious bodily injury.

Under the current motor vehicle homicide statute, a person commits motor vehicle homicide if he or she causes the death of another unintentionally while engaged in the operation of a motor vehicle in violation of the law. Generally, motor vehicle homicide is a Class I misdemeanor, but in certain cases the penalty may be more severe.

Under LB38, the penalty for motor vehicle homicide as a result of careless driving when the victim is a “vulnerable road user” would be a Class IV felony, and would also include 200 hours community service and license revocation for 6 months to 15 years. The penalty for serious bodily injury to a vulnerable road user as a result of careless driving would be the same. With the passage of LB605 (2015), the penalty for a Class IV felony is now 0 to 2 years imprisonment, with 9 to 12 months post-release supervision if imprisonment is imposed.

The bill would define the term “vulnerable road user” to mean a pedestrian, including a person engaged in work upon a highway or within the right-of-way; a person riding an animal; or a person lawfully operating a bicycle, farm vehicle, moped, motorcycle, horse-drawn carriage, electric personal assistive mobility device, or wheelchair on a crosswalk, highway, or shoulder of a highway.

LB38 was indefinitely postponed at the end of the 2016 session.

**LB43 (Coash) Provide for standby guardians and recovery of assets under the Nebraska Probate Code**

*(Placed on General File with Judiciary Committee amendment; passed by a 48-0-1 vote on February 20, 2015.)*

LB43 amended the Nebraska Probate Code to allow for the appointment of standby guardians and expand the ability to recover a ward’s assets.

The public hearing on the bill was January 21, 2015. The Committee advanced the bill with AM72 to clarify some procedural issues. AM72 was adopted and LB43 was passed by the

Legislature and approved by the Governor.

**LB44 (Coash) Change provisions relating to a notice of objection to adoption**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB44 would have extended a putative father's time period after the birth or notice of birth to file a Notice of Objection to Adoption and Intent to Obtain Custody from five days to thirty days. The public hearing was held January 23, 2015; the Committee took no further action on the bill.

LB44 was indefinitely postponed at the end of the 2016 session.

**LB60 (Kintner) Authorize possession of firearms as prescribed**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB60 would create new rights for gun owners, and restrict the rights of property owners and business entities, by providing for the authorized storage of firearms in a motor vehicle. Similar bills were introduced on at least two previous occasions, LB335 (2013) and LB785 (2012).

The bill would define the term "motor vehicle", and provides that a business owner/employer cannot prohibit their employees from transporting or storing a firearm or ammunition in their personal vehicle in certain circumstances. The bill provides a right to a civil action against a business owner/employer who violates this section, including court costs and attorney fees to the prevailing plaintiff. The bill also provides civil immunity for a business owner/employer for damages, injuries, or death resulting from another person's actions involving a firearm or ammunition transported or stored pursuant to this act.

LB60 was indefinitely postponed at the end of the 2016 session.

**LB66 (Schumacher) Require political subdivisions to make disclosures regarding bonds and provide for liability**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB66 requires the governing body of a school district, city, village or county which issues bonds to disclose information related to pension obligations and tax increment financing on any bond prospectus. A public hearing was held January 21, 2015; the Committee has not taken further action on the bill.

LB66 was indefinitely postponed at the end of the 2016 session.

**LB72 (Schumacher) Provide restrictions on trusts for collection of medicaid reimbursement**

**obligations and require notice of inheritance tax petitions**

*(Placed on General File with Judiciary Committee amendment; passed by a 40-8-1 vote on May 7, 2015.)*

LB72 provided certain procedures for satisfaction of claims for Medicaid reimbursement upon death of the recipient.

The public hearing was January 21, 2015. The Committee advanced the bill with AM604. This amendment was not adopted. AM1225 was introduced and adopted on General File. AM1473 was introduced and adopted on Select File and replaced the original bill and subsequent amendments.

The amended bill prohibits a trustee from transferring trust property to a beneficiary prior to satisfaction of all claims for Medicaid reimbursement. The bill also required that in the event a petition is filed to determine inheritance tax, notice of the hearing shall be sent to the Department of Health and Human Services with the decedent's social security number if the decedent was fifty-five years of age or older or resided in a medical institution that would potentially subject them to a debt for medical assistance.

LB72 was passed by the Legislature and approved by the Governor.

**LB88 (Campbell) Change fees relating to marriage licenses**

*(Placed on General File without Judiciary Committee amendment; passed by a 42-4-3 vote on March 6, 2015.)*

LB88 increased the fees payable to county clerks for issuing marriage licenses and providing certified copies of marriage records. The public hearing on LB88 was held January 21, 2015 and the Committee advanced the bill without amendment. AM185 was adopted on General File and FA13 was adopted on Select File.

The fee for issuing a marriage license increased from \$15.00 to \$25.00. The fee for providing a certified copy of a marriage record increased from \$5.00 to \$9.00.

LB88 was passed by the Legislature and approved by the Governor.

**LB113 (Larson) Provide a co-payment for correctional inmates' health care services**

*(Placed on General File with Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

LB113 would have allowed a county jail or the Nebraska Department of Correctional Services to require inmates to pay a copayment for certain visits to a health care provider. The public hearing on LB113 was held on February 18, 2015, and the Committee advanced the bill with AM508.

As amended, the bill would have allowed a county jail or the Nebraska Department of Correctional Services to require an inmate to pay a copayment for every self-initiated, non-emergency visit to a health care provider. AM508 set a maximum possible copayment of \$10, and provided certain exceptions for which the copayment would not be charged, including treatment for a chronic illness, emergency care of any kind, staff initiated care, and medical, surgical, or hospital services covered under the Nebraska Workers' Compensation Act. If an inmate's account balance is insufficient to cover the copayment at the time of the visit, fifty percent of each deposit into the inmate's account would be withheld until the copayment has been paid in full.

The Committee advanced LB113 by a 5-2 vote, with one member absent. Following extensive debate on General File, the Committee amendment was not adopted, and no further action was taken on the bill.

LB113 was indefinitely postponed at the end of the 2016 session.

**LB114 (McCoy) Redefine ambulatory surgical center and health clinic under the Health Care Facility Licensure Act**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB114 would have expanded the definition of “ambulatory surgical center” to include any facility where five or more abortions are performed during any one calendar month or where a second or third trimester abortion is performed. A public hearing was held March 18, 2015; the Committee took no further action on the bill.

LB114 was indefinitely postponed at the end of the 2016 session.

**LB119 (Schumacher) Change where certain sentences of imprisonment may be served**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB119 would have amended 28-105 to allow a person convicted of a Class IIIA or Class IV felony who is sentenced to a term of imprisonment of *one year or less* to serve their sentence in a county jail instead of an institution under the jurisdiction of the Department of Correctional Services.

With the passage of LB605 (2015), all sentences for maximum terms of imprisonment of *less than one year* shall be served in the county jail. All felony sentences for maximum terms of imprisonment for *one year or more* shall be served in institutions under the jurisdiction of the Department of Correctional Services.

LB119 was indefinitely postponed at the end of the 2016 session.

**LB120 (Schumacher) Provide for seizure of license plates of certain uninsured motor vehicles or trailers as prescribed**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB120 would have amended a portion of the Motor Vehicle Registration Act to provide for the seizure of license plates of certain uninsured motor vehicles or trailers. Section 60-3,167 was part of the original Act and has not been amended since LB274 was enacted in 2005.

The bill would add an additional step to the existing process for enforcing the statutes requiring drivers to carry proof of insurance. Under the new process, a law enforcement officer would seize the license plates on the motor vehicle or trailer at the time the citation for driving without insurance is issued. However, such seizure would not be required if the officer determined that it would be impractical.

If the license plates are seized, the owner would retain a copy of the citation, which would serve in lieu of the license plates for up to ten working days after issuance of the citation. The law enforcement agency employing the officer who seized the license plates would deliver the license plates and a copy of the citation to the county treasurer within five working days.

After the motor vehicle owner gets his or her license and registration reinstated, provides proof of insurance, and pays a fee, the owner may retrieve the license plates from the county treasurer. The county treasurer would retain \$25 for credit to the county general fund, and remit \$25 to the State Treasurer for credit to the Nebraska State Patrol Cash Fund. An owner who could prove that he or she had insurance at the time of citation would be able to retrieve the license plates without paying a fee.

This section would not apply to motor vehicles or trailers registered in another state.

LB120 was indefinitely postponed at the end of the 2016 session.

**LB136 (Johnson) Prohibit flying lanterns**

*(Placed on General File without Judiciary Committee amendment; passed by a 44-0-5 vote on February 18, 2016.)*

LB136 prohibited the sale, possession and use of flying lantern-type devices. The bill defines the term "flying lantern-type devices" as, "devices that require a flame which produces heated air trapped in a balloon-type covering allowing the device to float in the air. Flying lantern-type devices shall not include hot-air balloons used for transporting persons." The penalty for selling, possessing, or using a flying lantern-type device is a Class V misdemeanor.

The Committee advanced LB136 by a 7-0 vote, with one member absent. LB136 was passed by the Legislature and approved by the Governor.

**LB137 (Johnson) Change provisions relating to discharge of a firearm**

*(Placed on General File with Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

As introduced, LB137 would have expanded the application of the "drive-by shooting" statute to apply statewide. Currently, 28-1212.04 only applies to a person in "any city of the first class or county containing a city of the metropolitan class or primary class."

The Committee Amendment, AM511, would have clarified and expanded the application of the "drive-by shooting" statute and two related offenses.

Section 1 would have amended 28-1212.02, to provide that the penalty for unlawfully and knowingly or recklessly discharging a firearm at or in the general direction of any building, motor vehicle, aircraft, motor home, or camper unit is a Class I misdemeanor.

Section 2 would have amended 28-1212.04, to provide that the penalty for unlawfully and knowingly or recklessly discharging a firearm at or in the general direction of any person, any occupied or inhabited building, motor home, or camper unit, any occupied motor vehicle or aircraft, or any other occupied structure is a Class II felony.

Section 3 would have amended 28-1335 to provide that the penalty for unlawfully and knowingly or recklessly discharging a firearm from a public highway, road, or bridge in this state is a Class III misdemeanor

The Committee advanced the bill with AM511 by a 7-0 vote, with one member absent. No further action was taken on the bill.

LB137 was indefinitely postponed at the end of the 2016 session.

**LB167 (Mello) Provide duties for the Office of Violence Prevention and change funding provisions**

*(Placed on General File without Judiciary Committee amendment; passed by a 47-0-2 vote on March 6, 2015.)*

LB167 amended section 81-1450 to require the Office of Violence Prevention to file an annual report to the Legislature, and to change funding priorities for violence prevention programs.

LB167 was passed by the Legislature and approved by the Governor.

**LB 172 (Chambers) Eliminate certain mandatory minimum penalties**

*(Held in committee. LB172 was amended into LB173; both bills were indefinitely postponed on April 20, 2016.)*

LB172 would have eliminated mandatory minimum sentences for Class IC and ID felonies. As

amended by LB172, the minimum penalty for a Class IC felony would be five years imprisonment, and the minimum penalty for a Class ID felony would be three years imprisonment.

After adopting an amendment to LB173 that incorporated the provisions of this bill, the Committee advanced LB173 to General File. LB172 was held in Committee.

LB172 was indefinitely postponed at the end of the 2016 session.

**LB 173 (*Chambers*) Change habitual criminal provisions**

*(Placed on General File with Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

As introduced, LB173 would have amended the “habitual criminal” statute (29-2221 – Nebraska’s version of a “three strikes law”). The public hearing on LB173 was held on February 11, 2015. The Committee advanced LB173 to General File with AM472, which incorporated the provisions of LB172.

As amended by AM472, the bill would have limited the habitual criminal penalty enhancement to “violent offenses” - the definition used in LB173 included the offenses listed as violent offenses for purposes of the Correctional System Overcrowding Emergency Act (section 83-961) and also included sexual assault of a child and motor vehicle homicide. AM472 would have eliminated the mandatory minimum sentence for a habitual criminal enhancement, and would also have amended 28-105 to eliminate the mandatory minimum sentences for Class IC and ID felonies. The minimum penalty for a habitual criminal enhancement would be 10 years, instead of a 10 or 25 year mandatory minimum. The minimum penalty for a Class IC felony would be five years imprisonment, and the minimum penalty for a Class ID felony would be three years imprisonment, instead of a 5 or 3 year mandatory minimum.

On Select File, LB173 was amended with the adoption of AM1607 (Coash). Following extensive debate, the bill advanced to Final Reading, but was subsequently returned to Select File for another amendment. On Select File for the second time, AM1641 (Harr) was adopted. The adoption of AM1641 removed the section that amended the “habitual criminal” statute, leaving only the changes to mandatory minimum sentences that were originally in LB172. No further action was taken on the bill.

LB173 was indefinitely postponed at the end of the 2016 session.

**LB184 (*Ebke*) Change prohibited locations to carry a concealed handgun**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB184 would have amended section 69-2441 of the Concealed Handgun Permit Act (Sections 69-2427 to 69-2449) to allow private schools to authorize their security personnel to carry concealed handguns.

Currently, a permit holder cannot carry a concealed handgun at a place of worship, or at a public or private school. However, a place of worship may authorize its security personnel to carry concealed handguns. LB184 would require a place of worship or private school that wants to authorize its security personnel to carry concealed handguns to send written notice to the congregation or students prior to the authorization.

LB184 would have eliminated the general prohibition against carrying a concealed handgun at a place of worship or at a private school. However, Senator Ebke distributed an amendment at the hearing to clarify her intention to add a limited exception to the general prohibition, instead of eliminating it outright.

LB184 was indefinitely postponed at the end of the 2016 session.

**LB187 (Kintner) Require the Department of Health and Human Services and health care facilities to provide information regarding abortion**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB187 would have required the Department of Health and Human Services to develop and maintain a website that includes printable information and video of ultrasound images at two-week gestational increments and would require any facility that provides abortions to provide a link to the DHHS website on its own website home page. LB187 would also require health care facilities and health care practitioner facilities in which abortions are performed to conspicuously post a sign in specific locations providing specified information to patients that they cannot be forced to have an abortion. The public hearing was held March 18, 2015; the Committee took no further action on the bill.

LB187 was indefinitely postponed at the end of the 2016 session.

**LB188 (Watermeier) Change provisions relating to innocent third parties injured during a vehicular pursuit**

*(Placed on General File with Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

LB188 would have excluded certain passengers in a fleeing vehicle from the definition of “innocent third party” in a vehicular pursuit involving a law enforcement officer. The public hearing was held January 23, 2015. The Committee advanced the bill with AM374, which was adopted on General File. On Select File, AM2199 (Watermeier) was adopted; no further action was taken on the bill.

LB188 was indefinitely postponed at the end of the 2016 session.

**LB189 (Davis) Change provisions and penalties relating to marijuana and alphabetize definitions**

*(Placed on General File with Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

LB189 would have changed certain definitions and penalties relating to marijuana and other controlled substances. A public hearing was held on January 28, 2015, and the Committee advanced the bill to General File with an amendment, AM412.

AM412 would have amended 28-401, the definition section of the Uniform Controlled Substances Act, by providing new terms and definitions and by putting the terms in alphabetical order. The bill would have provided a new term, "marijuana concentrate," and would have changed the definitions of "marijuana," "tetrahydrocannabinols," and "synthetic THC." The bill would also have amended 28-405, to change the terminology used in Schedule I of the Uniform Controlled Substances Act.

In general, possession of a controlled substance is a Class IV felony. However, possession of an ounce or less of marijuana is an infraction, and has been since 1978. LB189 would have amended 28-416 to clarify the penalties for possession of marijuana, marijuana concentrate, and synthetic cannabinoids by dividing the relevant provisions into two separate subsections.

LB189 would also have moved the provision regarding penalties for possession of synthetic cannabinoids to a separate subsection, and would have amended 28-416 to explicitly provide that possession of a substance containing any amount of "marijuana concentrate" should be treated like possession of "synthetic cannabinoids." Instead of being treated like possession of an ounce or less of marijuana, the penalty for possession of synthetic cannabinoids (and the penalty for possession of marijuana concentrate) would be an infraction for the first offense, and a class IIIA misdemeanor for all subsequent offenses.

LB189 would also have moved the provision regarding the weight of marijuana from the definition section to its own section, changed a reference to "hash or hashish oil" to "marijuana concentrate" in a drug paraphernalia provision, and updated a reference to offenses related to controlled substances for purposes of the Public Protection Act, as a result of re-numbered provisions.

The Committee advanced the bill by a 7-0 vote with AM413, with one member present, not voting. No further action was taken on the bill.

LB189 was indefinitely postponed at the end of the 2016 session.

**LB190 (Bloomfield) Change concealed handgun permit application provisions**

*(Placed on General File with Judiciary Committee amendment; passed by a 43-2-4 vote on February 5, 2016.)*

LB190 amended the Concealed Handgun Permit Act (Sections 69-2427 to 69-2449) to include the spouse of a member of the US Armed Forces in the list of potential applicants for a concealed handgun permit. The Committee advanced the bill with AM48, which was adopted on General File. The bill was further amended on General File by FA8 (Schumacher).

LB190 was passed by the Legislature and approved by the Governor.

**LB194 (Seiler) Create the Supreme Court Attorney Services Cash Fund**

*(Placed on General File without Judiciary Committee amendment; passed by a 47-0-2 vote on February 27, 2015.)*

LB194 permanently established the Supreme Court Attorney Services Cash Fund. The fund is under the control of the Supreme Court and administered by the State Court Administrator. The fund consists of mandatory assessments and fees, grants, donations and gifts and will be used for expenses related to regulation of the practice of law in Nebraska.

The public hearing was held January 29, 2015. The Committee advanced the bill without amendment. LB194 was passed by the Legislature and approved by the Governor.

**LB195 (Seiler) Change provisions relating to summons and orders of garnishment on financial institutions**

*(Placed on General File with Judiciary Committee amendment; passed by a 49-0-0 vote on May 20, 2015.)*

LB195 requires the designation of an office for the service of the summons and order of garnishment for every financial institution that receives deposits in the state.

The public hearing was held March 5, 2015. The Committee advanced the bill with AM499. AM499 was adopted. LB194 was passed by the Legislature and approved by the Governor.

**LB209 (Hilkemann) Adopt the Political Subdivisions Mandatory Mediation Act**

*(Indefinitely postponed by the Judiciary Committee on January 30, 2015)*

LB209 would have required political subdivisions to enter into mandatory mediation prior to commencement of litigation regarding a dispute between two or more political subdivisions.

The public hearing was held January 23, 2015. The Committee indefinitely postponed LB209 on January 30, 2015.

**LB212 (Chambers) Prohibit use of restraints in juvenile courts as prescribed**

*(Incorporated into LB482; LB482 passed, LB212 was indefinitely postponed by the Judiciary Committee on January 11, 2016.)*

LB212 would have prohibited the use of restraints on a juvenile in a juvenile court proceeding unless the court conducts a hearing and makes a finding of probable cause that restraints are necessary and there is no less restrictive alternative.

The public hearing was held February 25, 2015. The substance of the bill was combined with similar provisions in LB482 and amended into LB482 by AM691. LB482 passed, LB212 was indefinitely postponed by the Judiciary Committee on January 11, 2016.)

**LB 215 (Craighead) Change provisions relating to theft**

*(Indefinitely postponed by the Judiciary Committee on February 10, 2015)*

LB215 would have allowed photographs to be used as evidence in a prosecution for any type of theft. Currently, photographs may only be accepted as evidence as to the identity of the property in a prosecution for theft by shoplifting. LB215 would have amended 28-511.01 and 28-518 by transferring language regarding the use of photographs as evidence out of 28-511.01, the theft by shoplifting statute, and into 28-518, the general theft statute.

LB215 also would have eliminated some existing language from the theft by shoplifting statute and would have added new language to the general theft statute. The bill would have eliminated language that describes the legislative intent behind the shoplifting statute and language that allows defense counsel to inspect and potentially file a motion for retention of the property. In addition, the bill would have added new language to create a standardized process for law enforcement agencies to follow when returning stolen items to their owners.

The bill was indefinitely postponed by the Judiciary Committee on February 10, 2015.

**LB219 (Crawford) Change and eliminate child custody provisions and adopt the Uniform Deployed Parents Custody and Visitation Act**

*(Placed on General File with/without Judiciary Committee amendment; passed by a 49-0-0 vote on February 20, 2015.)*

LB219 created a framework for delegation and temporary orders regarding custodial responsibilities of deploying military parents.

Under the bill, parents are permitted to enter into a temporary agreement regarding custodial responsibility during a deployment. The agreement must be in writing, signed by the parties and contain certain provisions. The agreement may be modified, but terminates when the deployed parent returns from the deployment. A deploying parent is allowed to delegate custodial responsibility by power of attorney to an adult nonparent if no other parent is in the state or permitted to contact the child.

The bill requires a deploying parent to notify the other parent of a pending deployment within seven days of receiving notice of the deployment and also requires individuals with custodial responsibility to notify other individuals with custodial responsibility and the deploying parent of any address change.

The bill also provides procedures for parents to file motions for court orders regarding custodial responsibility. Either parent may file a motion for a determination of custodial responsibility. The court is required to conduct an expedited hearing and allow parties and witnesses not reasonably available to appear electronically. The court is also required to enforce a prior judicial order or prior written agreement between the parents, unless the agreement is contrary to the best interests of the child. The court may grant caretaking authority or limited contact to a nonparent under certain circumstances. These orders are temporary, may be modified, may include a temporary child support order and terminate upon the return of the deployed parent. A court is prohibited from considering a parent's past deployment or possible future deployment "in itself" in determining the best interest of the child in a proceeding for custodial responsibility of a child of a service member. A court would be allowed to consider "any significant impact" on the best interest of a child as a result of a deployment.

The public hearing on the bill was January 23, 2015. The Committee advanced the bill on January 28, 2015 with AM43, which was adopted on General File. AM43 changed the definition of "adult" under the Act and clarified that any change to the "best interests of the child" analysis would apply only in a proceeding under the UDPCVA and not any other action.

LB219 was passed by the Legislature and approved by the Governor.

**LB221 (*Harr*) Change provisions relating to forcible entry and detainer, the Uniform Residential Landlord and Tenant Act, and disposition of a tenant's personal property upon death**

*(Placed on General File with Judiciary Committee amendment; passed by a 46-0-3 vote on February 29, 2016.)*

LB221 provided a procedure for the disposition of a tenant's personal property upon the death of a tenant. The public hearing was held February 6, 2015. The Committee advanced the bill with AM467, which was adopted on General File. On Select File, the bill was further amended with the adoption of AM1996 (*Harr*), which incorporated provisions of LB385, and with the adoption of AM2133 (*Harr*).

LB221 was passed by the Legislature and approved by the Governor.

**LB225 (*Schnoor*) Change provisions relating to unlawful possession of a firearm at a school**  
*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB225 would have amended 28-1204.04 to allow a member of any college or university team who may lawfully possess a firearm within the scope of his or her duties as a member of the team to possess a firearm at school. The only change to the current statutory language can be found on page 2 of the bill, in line 18, where the bill would strike the word “rifle”.

Unlawful possession of a firearm at a school is a Class IV felony. Currently, only rifle team members are excluded from the general prohibition against possessing a firearm at a school. By striking the word “rifle”, the bill would expand the exception to members of any team. The term “team” is not defined in the bill.

LB225 was indefinitely postponed at the end of the 2016 session.

**LB 244 (*Pansing Brooks*) Change provisions relating to motions for new trial based upon discovery of new evidence**

*(LB244 was incorporated into LB245; LB245 passed, LB244 was indefinitely postponed by the Judiciary Committee on January 11, 2016.)*

LB244 would have amended 29-2103 to provide that a motion for new trial based on new evidence which was not available at the original trial shall be filed within a reasonable time after the discovery of the new evidence. LB244 was incorporated into LB245.

LB244 was indefinitely postponed by the Committee, following the passage of LB245.

**LB 245 (*Pansing Brooks*) Change provisions relating to motions for new trial and DNA testing of biological material**

*(Placed on General File with Judiciary Committee amendment; passed by a 42-4-3 vote on April 23, 2015.)*

LB245 changed a provision of the DNA Testing Act (29-4116 to 29-4125), section 29-4120. The Judiciary Committee advanced LB245 with an amendment, AM197, incorporating language relating to motions for new trial based upon discovery of new evidence from LB244. The amendment was adopted on General File. The bill was further amended on Select File with the adoption of AM843 (Harr). After advancing to Final Reading, LB245 was returned to Select File for another amendment, AM1070 (*Pansing Brooks*), which was adopted.

LB245 was passed by the Legislature and approved by the Governor.

**LB253 (*Morfeld*) Change acknowledgment requirements relating to homesteads**

*(Placed on General File with Judiciary Committee amendment; passed by a 49-0-0 vote on May 7, 2015.)*

LB253 removed a requirement in current law and allows a purchase agreement or contract for

sale of homestead property signed by both spouses to be enforceable without acknowledgement.

The public hearing was February 6, 2015. The Committee advanced the bill with AM278. The amendment harmonized terms in the amended statute. AM278 was adopted.

LB253 was passed by the Legislature and approved by the Governor.

**LB254 (*Morfeld*) Adopt the Uniform Unsworn Foreign Declarations Act**

*(Placed on General File with Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

LB254 would have adopted the Uniform Unsworn Foreign Declarations Act. Under the act, a person outside of the United States may make a declaration under penalty of perjury in a signed record that would have the same legal effect as a sworn statement, verification, certificate or affidavit given under oath. A public hearing was March 5, 2015, and the Committee advanced the bill with AM768; no further action was taken.

LB254 was indefinitely postponed at the end of the 2016 session.

**LB265 (*Campbell*) Change provisions relating to juveniles and child welfare**

*(Placed on General File with Judiciary Committee amendment; passed by a 45-1-3 vote on May 21, 2015.)*

LB265 contains a number of provisions related to juveniles and child welfare. The public hearing on the bill was February 27, 2015. The Committee advanced LB265 with AM878.

AM878 replaced the original bill and contains provisions originally introduced in LB13 and LB25. Some provisions of the original LB265 were amended into LB347 in AM598.

AM878 was adopted on General File.

The bill clarifies that the juvenile court has concurrent original jurisdiction until January 1, 2017 with the county or district court as to a juvenile alleged to have committed a misdemeanor, but does not change the existing law that the juvenile court will have exclusive original jurisdiction over these cases beginning January 1, 2017.

The bill makes a number of changes related to the Foster Care Review Office and local foster care review boards. The bill permits the Office or local board to participate in a foster care placement dispositional order review hearing and provides that any findings submitted by the Office or local board are admissible in the proceedings if provided to the other parties of record.

LB265 expands the Office's responsibility to provide information and direct reporting to the Office of Probation Administration and requires a list of members of a local board that is already sent to the Department of Health and Human Services to also be sent to the Office of Probation

Administration. The bill also requires the Department of Health and Human Services to provide records to the Office or local board upon request and the Office of Probation Administration to provide records to the Office or local board upon court order.

LB265 simplifies the process of appointing members of the Foster Care Advisory Committee. The bill also requires the report made to the registry of foster care placements to be made weekly instead of monthly and makes minor changes to the information to be included in the report. This section also provides that the Office may conduct a case file review or analysis regarding and state ward or ward of the court.

LB265 expands the definition of foster care placement for purposes of the Foster Care Review Act and includes the newly defined term “trial home visit.” The bill provides that if child-specific or family-specific mental or behavioral health services are discussed at a portion of a local board meeting, that portion of that meeting shall be exempt from the Open Meetings Act.

The bill creates the Out-of-Home Data Pilot Project to demonstrate how existing state agency data systems can be used to create an independent, external oversight data warehouse. The project would be administered by the Foster Care Review Office under the supervision of the Out-of-Home Data Pilot Project Advisory Group. The bill allows the Office to promulgate rules and regulations for the accumulation of data and making of quarterly reports.

LB265 would also set aside ten percent, excluding administrative costs, of the General Fund appropriation to the Community-based Juvenile Services Aid Program for the development of a common data system to assess the effectiveness of the program.

The bill would also require aid recipients to submit an annual electronic report with individual and program level data specified in the statute and in rules to be promulgated by the Nebraska Commission on Law Enforcement and Criminal Justice. Developing data collection and reporting practices and analysis of the data is to be conducted by the University of Nebraska at Omaha Juvenile Justice Institute.

LB265 was passed by the Legislature and approved by the Governor.

**LB268 (*Chambers*) Eliminate the death penalty and change and eliminate provisions relating to sentencing**

*(Placed on General File with Judiciary Committee amendment; passed by a 32-15-2 vote on May 20, 2015. The bill was returned by the Governor without approval on May 26, 2015, and passed notwithstanding the Governor’s objections by a 30-19-0 vote on May 27, 2015. Repealed by referendum on November 8, 2016.)*

As introduced, LB268 would have changed the maximum penalty for first degree murder in Nebraska from death to life imprisonment without possibility of parole. A public hearing was held on March 4, 2015. The Committee advanced the bill with AM 754, which was adopted.

AM754, eliminated the Class I felony classification and the corresponding penalty of death. This changed the maximum penalty for first degree murder in Nebraska from death to life imprisonment.

The bill was passed by the Legislature and vetoed by the Governor. The Legislature overrode the Governor's veto. LB268 was repealed by referendum in November 2016.

**LB281 (Kolowski) Adopt the Child Support for College Savings Act**  
*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB281 would have created the Child Support for College Savings Program and would have allowed a noncustodial parent to make contributions to a college savings account. The bill also would have required the Department of Health and Human Services to forgive two dollars of child support in arrears for every dollar contributed. The public hearing was March 12, 2015; the Committee took no further action on the bill.

LB281 was indefinitely postponed at the end of the 2016 session.

**LB289 (Ebke) Prohibit certain regulation of firearms, ammunition, and firearm accessories by cities and villages as prescribed**  
*(Placed on General File without Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

LB289 would have prevented cities and villages from enacting ordinances to prohibit the carrying of concealed weapons. The bill would still have allowed cities and villages to regulate, punish and prevent the discharge of firearms, and provided some exceptions to the general prohibition on local regulation of firearms. The bill also would have provided that an "adversely affected person" could file an action in court against the city or village. The term "adversely affected person" could include an organization.

The Committee advanced LB289 by a 6-0 vote, with one member absent and one member present, not voting. After extensive debate on General File, the bill failed to advance to Select File.

LB289 was indefinitely postponed at the end of the 2016 session.

**LB290 (Coash) Eliminate certain notification requirements under the Sex Offender Registration Act and eliminate the offense of unlawful use of the Internet by a prohibited sex offender**

*(Placed on General File without Judiciary Committee amendment. LB290 was incorporated into LB292; LB292 passed, LB290 was indefinitely postponed on May 29, 2015.)*

LB290 amended several provisions of the Sex Offender Registry Act (SORA – Sections 29-4001 to 29-4014) to address constitutional issues raised in a 2012 Federal court decision. Some of the provisions enacted by LB 97 (2009) and LB285 (2009) were found to be unconstitutional in *Doe v. Nebraska*, 898 F.Supp. 2d 1086 (D. Neb 2012). LB290 advanced to General File without an amendment and was incorporated into LB292, which was passed by the Legislature and approved by the Governor.

LB290 was indefinitely postponed at the end of the 2015 session, after the passage of LB292.

**LB292 (*Coash*) Change and eliminate provisions relating to the central registry of child protection cases and sex offender registration**

*(Placed on General File with Judiciary Committee amendment; passed by a 46-0-3 vote on May 21, 2015.)*

LB292 amended certain provisions related to individuals under nineteen years of age alleged to be responsible for child abuse or neglect entered into the central registry of child protection cases. The bill also incorporated provisions from LB290, by amending several provisions of the Sex Offender Registry Act.

LB292 requires notice to the individual of the mandatory expungement hearing, a waiver form, an explanation of the hearing process, an explanation of the implications of being entered in the central registry and any other procedures determined appropriate by the department when the subject is twelve years of age or older but younger than nineteen years of age. The notice materials must also be provided to the minor child's attorney of record, parent or guardian, and guardian ad litem. The bill also outlines the procedure for the mandatory expungement hearing for subjects twelve years of age but younger than nineteen years of age.

LB292 also provides that when a case involving a registry entry classified as "court pending" is dismissed or when an abuse or neglect case under 43-247(3)(a) is redesignated as a no fault petition, the case shall be immediately expunged from the central registry. The bill also prohibits a juvenile petition under 43-247(3)(a) filed as a no fault petition from being included on the central registry. The bill also prohibits classifying a case as "court pending" if the subject is twelve years of age but younger than nineteen years of age.

LB292 requires the Department of Health and Human Services to prepare a report to the Governor, the Health and Human Services Committee and the Judiciary Committee as to the number of cases entered into the central registry in which the subject is a minor child.

The public hearing was February 25, 2015. The Committee advanced the bill with AM619.

AM619 amended LB292 to provide that the waiver of the first mandatory expungement hearing must be signed by the subject and the subject's attorney of record, parent, guardian or guardian ad litem. The amendment also prohibits the Department of Health and Human Services from signing the waiver for a subject in its custody. The amendment further provides that the second

mandatory expungement hearing may be waived and does not need to be held if the subject is no longer on the registry. AM619 was adopted and the bill was advanced to Select File.

On Select File, AM849 was introduced and adopted. AM849 contained provisions originally contained in LB290. The amendment eliminated certain sex offender registration and notice requirements and internet use restrictions that had been found unconstitutional.

LB292 was passed by the Legislature and approved by the Governor.

**LB294 (Scheer) Adopt the Human Trafficking Victims Civil Remedy Act, change provisions relating to service of process, evidence of sexual assault, search warrants, temporary custody of juveniles, and foster care reports, change penalties for human trafficking and crimes relating to morals, and provide for forfeiture of assets**

*(Placed on General File with Judiciary Committee amendment; passed by a 49-0-0 vote on May 14, 2015.)*

The public hearing on LB294 was March 4, 2015. The Committee advanced the bill with AM1104.

AM1104 replaced the original bill. The amendment created a civil remedy and specific procedures for victims of trafficking. The amendment also expanded the procedures for service of process, subpoenas and search warrants. The amendment also reorganized definitions and penalties for certain criminal offenses. The amendment also created the Human Trafficking Victim Assistance Fund and authorized civil forfeiture proceedings for property used in trafficking.

AM1323 to AM1104 was introduced to make some additional corrections. AM1323 and AM1104 were adopted on General File.

AM1454 was adopted on Select File to add an emergency clause and operative dates for certain sections.

LB292 was passed by the Legislature and approved by the Governor.

**LB297 (Seiler) Change the salaries of Supreme Court judges**

*(Indefinitely postponed by the Judiciary Committee on January 11, 2016)*

LB297 would have provided a 4.5% salary increase for Nebraska judges in 2015 and 2016. The public hearing on LB297 was January 29, 2015. A similar bill, LB663, was passed by the Legislature and approved by the Governor in May 2015.

LB297 was indefinitely postponed by the Judiciary Committee in January 2016, after the passage of LB663.

**LB 299 (Schumacher) Change provisions relating to admission of evidence of alibi**  
*(Indefinitely postponed by the Judiciary Committee on February 10, 2015)*

LB299 would have amended 29-1927 to create a new procedure for a defendant in a criminal trial to follow when offering evidence regarding an alibi, similar to Rule 12.1 of the Federal Rules of Criminal Procedure. A public hearing was held on January 30, 2015.

LB299 was indefinitely postponed by the Judiciary Committee.

**LB301 (Chambers) Change provisions relating to distribution of court opinions**  
*(Placed on General File without Judiciary Committee amendment; passed by a 47-0-2 vote on February 27, 2015.)*

LB301 provides the Supreme Court the authorization and discretion to offer court opinions in electronic format. The public hearing was held January 29, 2015. The Committee advanced the bill without amendment.

LB301 was passed by the Legislature and approved by the Governor.

**LB302 (Campbell) Create the offense of rehomng a child**  
*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB302 would have created a new criminal offense of rehomng a child. A parent or custodian of a child who intends to permanently avoid parental responsibility by placing a child in the physical custody of a nonrelative without court approval, or who sells a child, or any person who assists in the commission of any of these acts, commits the offense of rehomng a child. The bill enumerated several specific acts that would not be included in the offense of rehomng a child. Rehomng a child would be a Class IV felony.

LB302 was indefinitely postponed at the end of the 2016 session.

**LB 307 (Kolowski) Change provisions relating to stalking and domestic abuse**  
*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB307 would have changed provisions relating to stalking and domestic assault.

The bill would have changed provisions relating to stalking by amending 28-311.01 to strike the existing language regarding legislative intent, and to change the definitions of the terms “harass” and “course of conduct”. The bill would also amend 28-311.03, to provide new elements for the offense of “stalking” and to add a new provision regarding venue.

The bill would have changed provisions relating to domestic assault by amending 28-323 to define new terms, change the elements for the offense of second degree domestic assault, and to change the penalties for domestic assault in the first, second, and third degree.

The bill would define the terms “substantial bodily injury” and “torture”. The terms “bodily injury” and “serious bodily injury” are already defined in section 28-109.

As amended by LB307, the penalty for a 1<sup>st</sup> degree domestic assault, first offense, would be the same as the penalty for 1<sup>st</sup> degree domestic assault, second offense. The penalty for 2<sup>nd</sup> degree domestic assault, third offense, would be higher than the penalty for 1<sup>st</sup> degree domestic assault, first or second offense.

LB307 was indefinitely postponed at the end of the 2016 session.

**LB314 (Hansen) State matters subject to county court jurisdiction**

*(Placed on General File with Judiciary Committee amendment; passed by a 47-0-2 vote on February 27, 2015.)*

LB314 clarifies county court jurisdiction in areas consistent with existing jurisdiction in probate, guardianship and conservatorship matters.

The public hearing was held January 29, 2015. The Committee advanced the bill with AM126, which was adopted. The amendment changed two of the named areas of jurisdiction from concurrent to exclusive.

LB314 was passed by the Legislature and approved by the Governor.

**LB316 (Kintner) Prohibit joining certain interstate compacts and the sharing of red light camera and speed camera information with other compact members as prescribed**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB316 would have prohibited the State of Nebraska from providing information to another state or government entity in another state for the purpose of imposing a civil fine due to a violation captured by a red light camera or speed camera. A public hearing was February 19, 2015; the Committee took no further action on the bill.

LB316 was indefinitely postponed at the end of the 2016 session.

**LB326 (Williams) Change provisions relating to marijuana, amphetamine, and methamphetamine**

*(Placed on General File with Judiciary Committee amendment. LB326 was partially*

*incorporated into LB390; LB390 passed, LB326 was indefinitely postponed on May 29, 2015.)*

As introduced, LB326 would have updated the Uniform Controlled Substances Act, and also would have changed terms and increased penalties relating to marijuana and other controlled substances. A public hearing was held on March 6, 2015; the bill was advanced to General File with an amendment, AM1453.

AM1453 included updates to the Uniform Controlled Substances Act, but did not include the penalty increases and new terminology from the original version of the bill. Language from AM1453 was incorporated into LB390, which was passed by the Legislature and approved by the Governor.

LB326 was indefinitely postponed at the end of the 2015 session, following the passage of LB390.

**LB327 (Williams) Change provisions relating to garnishment**

*(Placed on General File with Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

LB327 would have permitted a garnishee to charge a garnishment fee and collect the fee out of the property or credits in the possession or under the control of the garnishee. The public hearing was March 5, 2015. The Committee advanced the bill to General File with AM1777. No further action was taken on the bill.

LB327 was indefinitely postponed at the end of the 2016 session.

**LB338 (Brasch) Provide a docket fee for paternity determinations and parental support proceedings**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB338 would have established a docket fee to be collected in any action for paternity determination or parental support or for any modification of an award of child support, child custody, parenting time, visitation or access. A public hearing was January 29, 2015; the Committee took no further action on the bill.

LB338 was indefinitely postponed at the end of the 2016 session.

**LB 340 (Brasch) Provide signage requirements and duties for the Nebraska State Patrol under the Concealed Handgun Permit Act**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB340 would have changed provisions of the Concealed Handgun Permit Act to require a standardized sign identifying property where concealed handguns are prohibited.

The bill would have amended 69-2429 to define the term “posted conspicuous notice”. The bill would require the State Patrol to design a standardized sign for use by any person, entity, or employer “in control of” property prohibiting a permitholder from carrying a concealed handgun on the premises. The bill describes the sign and the requirements for posting it.

LB340 was indefinitely postponed at the end of the 2016 session.

**LB347 (*Krist*) Expand the jurisdiction of the Inspector General to include juvenile justice services and allow access to certain records and information**

*(Placed on General File with Judiciary Committee amendment; passed by a 47-0-2 vote on May 21, 2015.)*

LB347 expands the jurisdiction of the Office of Inspector General of Nebraska Child Welfare to include investigations into the Juvenile Services Division of the Office of Probation Administration, the Nebraska Commission on Law Enforcement and Criminal Justice, and juvenile detention and staff secure juvenile facilities. The bill also requires the Juvenile Services Division of the Office of Probation Administration and the Nebraska Commission on Law Enforcement and Criminal Justice to cooperate with the office and provide direct computer access to all computerized records.

The public hearing was February 26, 2015. The Committee advanced the bill with AM598.

AM598 adds additional provisions originally contained in LB265 regarding access to information for the Office of Inspector General of Nebraska Child Welfare. Under the amendment, the Office was access to a videotape of a child victim or child witness describing an act of sexual assault or child abuse and confidential record information held by a court or probation officer. The amendment also adds the Office to the list of entities that a court can identify in an order to allow the disclosure of otherwise confidential information.

AM598 was adopted on General File. LB347 was returned to Select File to file AM1490. AM1490 clarifies the procedure for requesting confidential record information from a court or probation officer. A request for such information is sent to the probation administrator and shall be provided within five days of a determination by the Supreme Court that the request is related to an investigation pursuant to the Office of Inspector General of Nebraska Child Welfare Act.

AM1490 was adopted on Select File.

LB347 was passed by the Legislature and approved by the Governor.

**LB 354 (*McCollister*) Change provisions relating to crime victims and witnesses**

*(Incorporated into LB605; LB605 passed, LB354 was indefinitely postponed by the Committee on January 11, 2016.)*

LB354 changed provisions of the Crime Victim's Reparations Act. After adopting an amendment to LB605 that incorporated provisions of this bill, the Committee advanced LB605 to General File. A Select File amendment to LB605 incorporated the victim privacy provision of LB354. LB605 was passed by the Legislature and approved by the Governor in May 2015.

LB354 was indefinitely postponed by the Judiciary Committee in January 2016, after the passage of LB605.

**LB358 (Garrett) Change paternity provisions for a child conceived as a result of sexual assault**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB358 would have provided that in the event of a child conceived by sexual assault, a biological father convicted of the sexual assault shall not be considered part of the child's family for purposes of reasonable efforts to preserve and reunify the family.

The bill would have created a duty for a county attorney to file on behalf of the state a petition to terminate the parental rights of a biological father convicted of sexual assault. LB358 would also provide that the conviction would be considered conclusive evidence that the parental rights should be terminated, unless the mother or guardian consents or the court finds that termination is not in the child's best interest. The bill would allow a mother or guardian to consent to a grant of custody, parenting time, visitation, or other access with a child to a person that was convicted of a sexual assault that resulted in the child being conceived. The public hearing was March 18, 2015. The Committee took no further action.

LB358 was indefinitely postponed at the end of the 2016 session.

**LB362 (Krist) Change eminent domain provisions relating to school sites**

*(Placed on General File without Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

LB362 would increase the amount of property that a school district can take in exercising eminent domain from fifty acres to one hundred acres. The public hearing was March 11, 2015. The Committee advanced the bill to General File without amendment.

LB362 was indefinitely postponed at the end of the 2016 session.

**LB385 (Lindstrom) Change provisions relating to forcible entry and detainer and the Uniform Residential Landlord and Tenant Act**

*(Placed on General File with Judiciary Committee amendment. LB385 was partially amended into LB221; LB221 passed, LB385 was indefinitely postponed on April 20, 2016.)*

LB385 authorized an action for forcible entry and detainer when a tenant has threatened the health, safety, or peaceful enjoyment of other tenants, the landlord, or the landlord's employees or agents, without the right of the tenant to cure the default. The bill also amended the Uniform Residential Landlord and Tenant Act to permit an action for recovery of the premises upon three days' notice if a tenant, occupant, member of tenant's household, guest, or other person under tenant's control engages in drug-related or violent criminal activity on the premises or engages in an activity that threatens the health, safety or peaceful enjoyment of other tenants, the landlord, or the landlord's employees or agents. The action for recovery would not be allowed if the tenant seeks a protective order, restraining order or reports the activity to law enforcement. The bill would also require the incidents giving rise to a suit for recovery of possession to be included in the complaint.

The public hearing was February 6, 2015. The Committee advanced the bill with AM1063. The amendment removed the term "peaceful enjoyment" from the bill. LB385 was partially amended into LB221; LB221 passed.

LB385 was indefinitely postponed at the end of the 2016 session, after the passage of LB221.

**LB390 (Crawford) Provide for medical use of cannabidiol and naloxone and change controlled substances schedules and transfers to the Nebraska Health Care Cash Fund**

*(Placed on General File with Judiciary Committee amendment; passed by a 44-2-3 vote on May 21, 2015.)*

LB390 was the product of an interim study, LR433 (2014), to examine issues relating to the production, possession, and use of hemp oil for the purposes of treating epileptic seizures. Hemp oil is also referred to as "cannabidiol oil" or "CBD oil".

A public hearing on LB390 was held on March 6, 2015. The Judiciary Committee advanced the bill to General File with an amendment, AM1011, which replaced the original bill. AM1011 was adopted on General File. LB390 was further amended on General File with the adoption of AM1646 (Crawford) and AM1651 (Morfeld).

The final version of the LB390 amended 28-101 to add certain provisions of LB390 to the Criminal Code and to the Uniform Controlled Substances Act, defined the terms "cannabidiol" and "intractable seizures" and amended the definition of "marijuana."

The bill designated the University of Nebraska and Nebraska Medicine as the only entities in the state authorized to produce or possess cannabidiol for research and to obtain and test cannabidiol. The bill also authorized certain patients to obtain cannabidiol as part of the "Medical Cannabidiol Pilot Study" created by the bill, and required the University of Nebraska

Medical Center to submit an annual report to the Judiciary and Health and Human Services Committees of the Legislature regarding the Medical Cannabidiol Pilot Study.

The bill explicitly included an affirmative defense to a prosecution for the unlawful possession of marijuana for participants in the Medical Cannabidiol Pilot Study.

AM1651 to LB390 incorporated provisions from AM1453 to LB326, which amended 28-405 to update certain substances in the Uniform Controlled Substances Act. AM1651 to LB390 also incorporated provisions from LB546, which authorized the administration of naloxone in certain circumstances.

LB390 was passed by the Legislature and approved by the Governor.

**LB406 (*Morfeld*) Change provisions relating to actions for the recovery of vacant, platted, and subdivided real property as prescribed**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB406 would have provided that an action to recover vacant, platted and subdivided real property cannot be maintained against any person that has been in adverse possession of the property for twenty years. The public hearing was February 19, 2015. The Committee took no further action.

LB406 was indefinitely postponed at the end of the 2016 session.

**LB409 (*McCollister*) Change provisions relating to landlords and tenants**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB409 would redefine any person that is not included on a rental agreement or a dependent child of a person on a rental agreement as a trespasser. The bill would also increase the allowable pet deposit in a rental agreement.

The public hearing was February 6, 2015. The Committee took no further action.

LB409 was indefinitely postponed at the end of the 2016 session.

**LB415 (*Pansing Brooks*) Change provisions relating to the Uniform Interstate Family Support Act**

*(Placed on General File with Judiciary Committee amendment; passed by a 45-2-2 vote on April 23, 2015.)*

LB415 incorporates the 2008 amendments to the Uniform Interstate Family Support Act (UIFSA). These amendments implement the terms of the 2007 Hague Convention on the

International Recovery of Child Support and Other Forms of Family Maintenance. The federal Preventing Sex Trafficking and Strengthening Families Act conditions federal funding supporting child support programs on amending state law to include the 2008 amendments to the UIFSA in 2015.

The public hearing was February 19, 2015. The Committee advanced the bill with AM200 to add an emergency clause.

AM200 was adopted on General File. LB415 was passed by the Legislature and approved by the Governor.

**LB416 (*Pansing Brooks*) Change provisions relating to transfers of property upon death**  
*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB416 would have amended the Nebraska Probate Code to add insurance policies and other instruments payable on death to the interests that are deemed revoked by a divorce or annulment. The bill would also add these interests to those a beneficiary would be disqualified from receiving by committing an intentional killing. The public hearing was February 6, 2015. The Committee took no further action.

LB416 was indefinitely postponed at the end of the 2016 session.

**LB422 (*Howard*) Provide for reasonable fees and costs for proceedings involving a minor under the Probate Code**

*(Placed on General File without Judiciary Committee amendment; passed by a 47-0-2 vote on May 20, 2015.)*

LB422 amends the Nebraska Probate Code to authorize reasonable fees and costs of an attorney, guardian ad litem, physician or visitor appointed by the court for a minor may be paid by the minor's estate or the county in which proceedings are brought. The public hearing was March 18, 2015. The Committee advanced the bill to General File without amendment.

LB422 was passed by the Legislature and approved by the Governor.

**LB 425 (*Riepe*) Provide for earned time and discontinue the use of good time**  
*(Held in Committee; indefinitely postponed on April 20, 2016)*

Nebraska's current sentencing credit law automatically awards "good time" credits to inmates. LB425 would have changed some provisions governing the use of sentence credits, and would have changed references to sentence credits from "good time" to "earned time".

A recent study from the University of Nebraska and the Justice Reinvestment policy framework from the Council on State Governments did not recommend any changes to Nebraska's good time statutes, and stated that further research is needed.

Nebraska Center for Justice Research, "Examining the Effects of Nebraska's Good Time Laws" (pages 33-34) <http://www.unomaha.edu/college-of-public-affairs-and-community-service/nebraska-center-for-justice-research/documents/examining-the-effects-of-nebraska-good-time-laws.pdf>

CSG, "Justice Reinvestment in Nebraska - Analysis and Policy Framework" (page 24) <http://csgjusticecenter.org/wp-content/uploads/2015/01/JusticeReinvestmentinNebraska.pdf>

A public hearing was held on February 18, 2015; the Committee took no further action on the bill.

LB425 was indefinitely postponed at the end of the 2016 session.

**LB 426 (*Riepe*) Provide for violent offenders and provide powers and duties for the Director of Correctional Services, the Parole Administrator, the Board of Parole, and parole officers**

*(Indefinitely postponed by the Judiciary Committee on March 31, 2015)*

LB426 would have required the Parole Administration to supervise offenders convicted of certain violent offenses for 90 days through a mandatory electronic monitoring program.

The bill would have created a new specialized furlough program for certain "violent offenders" sentenced before this act. The Parole Administration currently uses electronic monitoring for some parolees, based on risk level, but they do not monitor all parolees electronically. The Nebraska Department of Correctional Services (NDCS) also currently uses electronic monitoring during furloughs for certain offenders.

The definition of "violent offender" used in LB426 included offenders convicted of first or second degree murder, manslaughter, first degree assault, kidnapping, first degree sexual assault, or robbery. The term "violent offense" for purposes of the Correctional System Overcrowding Emergency Act refers to the same offenses.

Prior to release, NDCS would be required to refer offenders convicted of the offenses defined above to the Parole Administration for electronic monitoring. Currently, only parolees are monitored by the Parole Administration, while individuals released on furlough are monitored by NDCS. The bill would also have required NDCS to notify law enforcement at least two weeks before an offender convicted of a specified offense is released on furlough or parole.

LB426 would have provided that interfering with an electronic monitoring device would constitute escape from custody. This section also would have prohibited the release on furlough

or work release of anyone convicted of a specified offense without 90 days of electronic monitoring, and would have authorized NDCS to assess a fee to the offender to pay for the cost of electronic monitoring.

The bill also would have required the Parole Administrator to hire employees or contract with private entities to develop and administer the electronic monitoring program required by this bill.

LB426 was indefinitely postponed by the Judiciary Committee.

**LB 433 (*Baker*) Create the offense of false presentation of proof of liability insurance and provide penalties**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB433 would create the offense of “false presentation” if a person gives false or misleading proof of an automobile insurance policy to any peace officer or prosecutor with the intent to impede a criminal proceeding, to acquire a motor vehicle registration, or to avoid prosecution. False presentation of proof of insurance would be a Class I misdemeanor.

A similar bill, LB939 (2014), was not advanced by the Committee, and was indefinitely postponed at the end of the 2014 session.

LB433 was indefinitely postponed at the end of the 2016 session.

**LB 434 (*Cook*) Require law enforcement agencies to use theft notification web sites as prescribed**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB434 would have required law enforcement agencies and certain metals recyclers to use theft notification web sites.

The bill would require secondary metals recyclers to register for a metals theft alert notification system. The bill would also require law enforcement agencies to register for a metals theft alert notification system and submit alerts of thefts of regulated metals property. The bill does not specify who will operate the website, but does provide that it shall not be funded by any for-profit third-party data base company.

Any person who violates sections 2, 3, and 4 of this act would be guilty of a Class II misdemeanor. Those sections would not apply to commercial metals vendors, recycling programs or neighborhood cleanup programs.

LB434 was indefinitely postponed at the end of the 2016 session.

**LB437 (*Ebke*) Change provisions relating to the Parenting Act**

*(Indefinitely postponed by the Judiciary Committee on April 10, 2015)*

LB437 would have expanded the definition of “best interests of the child” and the factors to be considered by a court in making a determination of best interests of the child. The bill would have also created a presumption that each parent has no less than 35% of annual parenting time.

The public hearing was March 12, 2015. The Committee indefinitely postponed LB437.

**LB459 (Crawford) Change provisions relating to a deposition of a child victim or child witness.**

*(Placed on General File with Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

LB459 would have amended 29-1917 to change provisions relating to a deposition of a child victim or child witness. A hearing was held on March 4, 2015, and the Committee advanced the bill to General File with AM364.

In general, at any time after the filing of an indictment or information in a felony prosecution, the prosecuting attorney or the defendant may request the court to allow the taking of a deposition of any person who may be a witness in the trial of the offense, other than the defendant.

AM364 would have amended 29-1917 to provide that no request for a deposition shall be granted for a child under the age of 16 who has been interviewed at a child advocacy center if the interview was video recorded, except by agreement of the parties or by approval of the court.

The court shall not approve a deposition unless:

- the court finds that the testimony of the child is essential to assist the defendant in preparing for trial,
- that the evidence sought is not reasonably available by any other means, and
- that the probative value of the testimony outweighs the potential detriment to the child being deposed.

In determining whether to approve the taking of a deposition, the court shall consider the availability of the recorded statements of the child and the complexity of the issues involved.

Upon granting a request to depose a child, the court shall make any protective order that justice requires to protect the child from emotional harm or distress, harassment, undue influence, or intimidation.

Such order may include: (i) That the deposition may be taken only on specified terms and conditions, including a designation of the time, place, and manner of taking the deposition; (ii) that the scope of the deposition may be limited to certain matters as designated by the court; (iii) that a victim advocate or other support person not a witness to the proceedings may be present;

(iv) that the defendant may be excluded from the deposition; or (v) any other provision the court determines is justified and appropriate.

In ruling on a request for a protective order, the court may consider:

- the age, health, level of intellectual functioning, and emotional condition of the child;
- whether the child has knowledge material to the proof of or defense to any essential element of the crime;
- whether the child has provided a full written, taped, or transcribed account of his or her proposed testimony for trial; or
- whether the child's testimony will relate only to a peripheral issue in the case.

LB459 was indefinitely postponed at the end of the 2016 session.

**LB463 (Harr) Adopt the Technology Information Management Act**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB463 would have authorized a fiduciary, agent, personal representative, conservator or trustee to access a digital asset or electronic communication under certain circumstances. A public hearing was March 18, 2015; the Committee took no further action on the bill.

LB463 was indefinitely postponed at the end of the 2016 session.

**LB473 (Chambers) Eliminate the power of eminent domain for major pipelines**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB473 would have eliminated the power to exercise eminent domain for a pipeline carrier seeking to build a major oil pipeline. The bill also would have eliminated the authority of the Governor to approve pipeline projects. A public hearing was March 11, 2015; the Committee took no further action on the bill.

LB473 was indefinitely postponed at the end of the 2016 session.

**LB482 (Krist) Change provisions relating to juveniles**

*(Placed on General File with Judiciary Committee amendment; passed by a 44-2-3 vote on April 23, 2015.)*

LB482 contains a number of changes in the way juveniles under 43-247(3)(b), also known as “status offenders”, are treated in juvenile court.

The bill prohibits status offenders from being placed in a juvenile detention facility and requires a staff secure wing of a juvenile detention facility to fully comply with the requirements for staff secure juvenile facilities.

LB482 also prohibits the placement of status offenders from being placed out of his or her home as a dispositional order in a juvenile proceeding unless all available community-based resources have been exhausted and maintaining the juvenile in the home presents a significant risk of harm to the juvenile or community. The bill authorizes a peace officer to refer a child that has not committed a criminal offense but appears to be a status offender who needs assistance to a clinically credentialed community-based provider for immediate intervention or services.

LB482 prohibits taking the fingerprints of a status offender and requires a county attorney to make reasonable efforts to refer a juvenile and family to available community-based resources prior to filing a 3(b) petition. The county attorney's failure to describe the efforts in the petition would be a defense to adjudication.

The bill also prohibits the use of instruments of restraint on a juvenile during a court proceeding unless the court makes specific findings of fact that their use is necessary.

The public hearing was February 25, 2015. The Committee advanced the bill with AM691.

AM691 combined some language from LB212 and LB482 regarding the use of instruments of restraint. The amendment was adopted on General File.

LB482 was passed by the Legislature and approved by the Governor.

**LB483 (Pansing Brooks) Change provisions relating to indeterminate sentencing.**  
*(Placed on General File without Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

LB483 would have restored an element of sentencing policy that was in place in Nebraska from the 1970s until 1993 by applying the "parole one-third rule" to all felonies. The "parole one-third rule" provided that the court may set a minimum and maximum sentence length within the range provided by law, but the minimum limit fixed by the court cannot be greater than one-third of the maximum term. The bill would have amended 29-2204 to eliminate outdated language, but made no changes to the "truth in sentencing" provisions or the sentencing advisement in that section. When LB483 was introduced, the parole one-third rule applied only to Class IV felonies; LB483 would have extended it to apply to all felonies. Instead, LB605 eliminated the parole one-third rule.

The Judiciary Committee amendment to LB605 would have incorporated a change similar to the provisions of LB483 – see AM1010 to LB605, section 52. The final version of LB605 did not include this language – see LB605, slip law copy, section 60. After the "parole one-third rule" provisions were taken out of LB605, the Judiciary Committee advanced LB483 to General File without amendment; no further action was taken on the bill.

LB483 was indefinitely postponed at the end of the 2016 session.

**LB497 (Hadley) Change provisions relating to distribution of marital assets**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB497 would have created a rebuttable presumption in action for dissolution of marriage that an equal division of property is an equitable distribution of the property. A public hearing was held on March 12, 2015; the Committee took no further action on the bill.

LB497 was indefinitely postponed at the end of the 2016 session.

**LB502 (Krist) State intent to establish a family court pilot project**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB502 would state the intent of the Legislature that the Supreme Court establish a family court pilot project in Douglas County. A public hearing was held on February 26, 2015; the Committee took no further action on the bill.

LB502 was indefinitely postponed at the end of the 2016 session.

**LB504 (Krist) Change provisions relating to presentence reports and examinations and provide access to substance abuse evaluations**

*(Placed on General File with Judiciary Committee amendment; passed by a 43-0-6 vote on May 21, 2015.)*

LB504 amended 29-2261 to require a copy of the presentence investigation (PSI) to be provided to defense counsel and the county attorney at least seven days before sentencing. The court can still order redaction of certain information upon a showing by a preponderance of the evidence that a redaction is “warranted in the interests of public safety.” The copy of the report or examination may be provided electronically.

LB504 was passed by the Legislature and approved by the Governor.

**LB505 (Krist) Change provisions of the Security, Privacy, and Dissemination of Criminal History Information Act.**

*(Placed on General File with Judiciary Committee amendment; passed by a 48-0-1 vote on April 12, 2016.)*

LB505 amended 29-3523 to automatically seal criminal records in certain cases after a designated length of time. The record may still be available to law enforcement officers, but would not be part of the court records available to the public.

LB505 was passed by the Legislature and approved by the Governor.

**LB 545 (Harr) Provide for additional mandatory minimum sentencing as prescribed**  
*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB545 would have affected sentencing for individuals who are convicted of committing a new offense while still serving a sentence under the jurisdiction of the Department of Correctional Services.

Under LB545, when an inmate is convicted of committing a new offense, the minimum sentence for that offense would be considered a mandatory minimum. As a result, the offender would not be eligible for probation, and would not receive good time credits until after serving the mandatory minimum, in addition to the previously imposed sentence. A public hearing was held on February 18, 2015; no further action was taken on the bill.

LB545 was indefinitely postponed at the end of the 2016 session.

**LB546 (Morfeld) Authorize administration of naloxone as prescribed**  
*(Placed on General File with Judiciary Committee amendment. LB546 was incorporated into LB390; LB390 passed, LB546 was indefinitely postponed on May 29, 2015.)*

LB546 authorized the administration of naloxone in certain circumstances.

The bill provides that a health professional who is authorized to prescribe or dispense naloxone, if acting with reasonable care, may prescribe, administer, or dispense naloxone to certain persons without being subject to administrative action or criminal prosecution. This would include a person who is apparently experiencing or who is likely to experience an opioid-related overdose; or a family member, friend, or other person in a position to assist a person who is apparently experiencing or who is likely to experience an opioid-related overdose.

The bill also provides that certain individuals who assist a person experiencing an opioid overdose by administering naloxone are not subject to actions under the Uniform Credentialing Act, administrative action, or criminal prosecution, in particular circumstances.

The bill defines the terms “administer”, “dispense”, “emergency responder”, “health professional”, “law enforcement agency”, “naloxone”, and “peace officer.”

The Committee advanced LB546 with AM567. LB546 was amended into LB390, which passed.

LB546 was indefinitely postponed at the end of the 2015 session, following the passage of LB390.

**LB566 (Coash) Change provisions relating to Indian Child Welfare**

*(Placed on General File with Judiciary Committee amendment; passed by a 45-0-4 vote on May 21, 2015.)*

LB566 updated the Nebraska Indian Child Welfare Act (NICWA). The bill defines “active efforts,” “best interests of the Indian child,” and “qualified expert witness.” The bill also clarifies the notice that must be provided to a tribe and the deference to be provided to tribal court determinations.

The public hearing was February 26, 2015. The Committee advanced the bill to General File with AM1021. The amendment modified the definitions of active efforts and qualified expert witness, and was adopted on General File. AM1456 was adopted on Select File to clarify the procedure for determining a child’s primary tribe.

LB566 was passed by the Legislature and approved by the Governor.

**LB586 (Morfeld) Prohibit discrimination based upon sexual orientation and gender identity**

*(Placed on General File with Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

LB586 would have prohibited employment discrimination based on sexual orientation or gender identity. The public hearing was February 4, 2015. The Committee advanced the bill with AM289.

LB586 was indefinitely postponed at the end of the 2016 session.

**LB 592 (Bolz) Change provisions relating to corrections and parole and mentally ill offenders.**

*(Partially amended into LB598; LB598 passed, LB592 was indefinitely postponed by the Committee on January 11, 2016.)*

LB592 was one of three bills introduced to implement the recommendations made by the Department of Correctional Services Special Investigative Committee (the LR424 Committee). The other bills were LB598 (Schumacher) and LB606 (Mello). The LR424 recommendations addressed in LB592 included Parole Board independence, as well as mental health treatment and programming for inmates.

LB592 amended statutes related to the Parole Board and the Parole Administration, to ensure the independence of the Parole Board’s decision making by moving the Parole Administration out of the Department of Correctional Services. The Parole Administration was housed within the Department of Correctional Services from the early 1990s until the passage of LB598; the Parole Administration had been under the Parole Board until the early 1990s. As introduced, LB592

would have moved the Vocational and Life Skills program and other community-based programs and services out of the Department, as well; this provision was not incorporated into LB598.

The original version of LB592 would have amended 71-907 to include “personality disorders” in the definition of “mentally ill” for purposes of the Nebraska Mental Health Commitment Act ([71-901](#) to [71-963](#)). Senator Bolz distributed an amendment at the hearing to address the impact of this section. The definition change was dropped from the bill, and Senator Seiler introduced LR39 (2015) to further study the Mental Health Commitment act and the Sex Offender Commitment Act. Other changes would have made the MHCA more like the SOCA for violent inmates.

The bill amended several statutes regarding the duties of the Department of Corrections, to require the medical department to assess inmates at intake, to raise any potential “red flags” upon entry, so issues can be addressed during incarceration. The bill also amended statutes regarding the development of a personalized program plan and a reentry plan for each inmate, to require program staff within the Department to raise any potential “red flags” before release, and to initiate the mental health commitment process if needed. LB592 made changes to the NDCS director duties, to provisions regarding data collection and notification, and to a parenting program.

After adopting an amendment to LB598 that incorporated provisions of LB592 and LB606, the Committee advanced LB598 to General File; LB598 was passed by the Legislature and approved by the Governor.

LB592 was indefinitely postponed by the Judiciary Committee, following the passage of LB598.

**LB598 (Schumacher) Adopt the Office of Inspector General of the Nebraska Correctional System Act and change and provide requirements regarding inmates with mental illness, levels of confinement, parole, and prison overcrowding**

*(Placed on General File with Judiciary Committee amendment; passed by a 47-0-2 vote on May 21, 2015.)*

The final version of LB598 incorporated provisions of LB592 (Bolz) and LB606 (Mello) into LB598 (Schumacher). All three bills were introduced to implement recommendations made by the Department of Correctional Services Special Investigative Committee (the LR424 Committee). The state did not receive technical assistance from any outside entities when developing these policy changes, but the bill did incorporate the Performance Audit Committee recommendations from their audit of the Department of Correctional Services.

Summary of LB598 policies:

*Long-term oversight*

LB598 created the Office of the Inspector General of the Nebraska Correctional System to investigate and report on issues that may require systemic reform, in addition to case-specific action.

### *Restrictive Housing/Solitary Confinement/Segregation*

Beginning July 1, 2016, no inmate shall be held in restrictive housing unless done in the least restrictive manner consistent with maintaining order in the facility and pursuant to rules and regulations adopted and promulgated by the department pursuant to the Administrative Procedure Act.

LB598 required the director of the Department of Correctional Services to create a long-term plan for reducing the use of segregation, and to issue an annual report on the use of restrictive housing. The bill also established a long-term restrictive housing working group.

### *Parole Independence*

Beginning July 1, 2016, the Board of Parole became responsible for the administration of parole services, with the assistance of the Department of Correctional Services.

LB598 required compensation for parole officers to be substantially equal to other state employees who have similar responsibilities.

### *Electronic records*

LB598 required the Department to maintain electronic records for committed offenders which include information about programming recommendations, completion of programming, time spent in housing other than general population, and medical records.

### *Mental health*

LB598 required the Department to adopt rules and regulations regarding mental health evaluations and risk assessments.

### *Overcrowding Emergency Act*

Beginning July 1, 2020, an overcrowding emergency will automatically take effect when the Director certifies that the prison population has reached 140% of design capacity. An emergency would require the Parole Board to consider or reconsider inmates who are parole eligible.

LB598 was passed by the Legislature and approved by the Governor.

### **LB602 (Retirement Systems Committee) Change collection provisions relating to judges retirement fees**

*(Placed on General File with Judiciary Committee amendment. LB602 was incorporated into LB468; LB468 passed, LB602 was indefinitely postponed on May 29, 2015.)*

LB602 would have increased the judges' retirement court fee from six dollars to eight dollars and would have required the fee to be taxed in pretrial diversion cases.

The public hearing was February 4, 2015. The Committee advanced the bill with AM308. Portions of LB602 were amended into LB468 by AM1172.

LB602 was indefinitely postponed at the end of the 2015 session, following the passage of LB468.

**LB 603 (Bloomfield) Provide for processing and certification of federal firearms forms as prescribed.**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB603 would have amended statutes relating to certificates required prior to the sale, purchase, lease, rental, or transfer of a handgun. The bill would define the terms “certification” and “chief law enforcement officer” for purposes of 69-2401 to 69-2425, and would amend 69-2404 to create a process for certification of federal firearms forms.

The bill would have provided that a resident of Nebraska may submit a federal firearms form to a chief law enforcement officer in the county where the resident resides or in the county adjacent to the county where he or she resides, and would require the chief law enforcement officer to accept and process a federal firearms form in the same manner as an application to purchase a handgun. The maximum charge for processing a federal firearms form would be \$5. The maximum charge would cover multiple forms submitted at the same time.

LB603 was indefinitely postponed at the end of the 2016 session.

**LB605 (Mello) Provide, change, and eliminate penalties, punishments, sentencing, restitution, probation, parole, and crime victim provisions and provide for post-release supervision, grants, and suspension of medical assistance for inmates**

*(Placed on General File with Judiciary Committee amendment; passed by a 45-0-4 vote on May 21, 2015.)*

LB605 implemented several of the recommendations made by the Council on State Governments and the Justice Reinvestment Initiative working group. A public hearing was held on February 20, 2015. The Committee advanced the bill to General File with AM1010. The bill was amended further on General File and on Select File. A “clean-up” bill, LB1094 (2016) was introduced and passed the following year.

LB605 was the result of “justice reinvestment,” a data-driven approach designed to reduce corrections spending and reinvest a portion of savings in strategies that reduce recidivism and increase public safety. LB 605 is expected to ease Nebraska’s prison overcrowding—reducing the projected prison population by 1,000 people by 2020—and ensure that an additional 300 people per year are supervised upon release from prison. With continued support from the Council of State Governments (CSG) Justice Center, Nebraska is now working to implement the legislation and track the impact of these new policies.

Summary of LB605 policies:

- Use probation rather than incarceration for people convicted of low-level offenses, and increase penalty thresholds for property offenses.
  - Use probation, rather than prison or jail, for people convicted of nonviolent, low-level offenses.
  - Prioritize probation resources for felony probationers who are at the highest risk

- of reoffending.
  - Respond to major probation violations with short periods of incarceration, followed by continued probation supervision.
  - Require that misdemeanor sentences calling for incarceration be served in jail rather than prison.
  - Update property offense penalty thresholds to account for inflation
- Enhance felony classifications, ensure post-release supervision for most people upon release from prison, and address victims' needs.
  - Reclassify felonies according to whether they involve violence and/or are sex offenses to ensure that more serious offenses are clearly distinguished from lower-level nonviolent offenses.
  - Sentence people convicted of the lowest-level felony offense classes (Class III, IIIA, and IV) to periods of incarceration followed by post-release supervision.
  - Adopt Nebraska Parole Board guidelines to place more people on parole supervision from all other felony classes (Class IA–D, II, and IIA).
  - Enhance collection of victim restitution from people sentenced to prison.
- Improve parole supervision to reduce recidivism.
  - Adopt a risk assessment tool to assess parolees' risk of reoffending.
  - Adopt evidence-based practices in parole supervision to change criminal thinking and behavior.
  - Respond to parole violations with swift, consistent, and proportionate sanctions.
  - Respond to major parole violations with short periods of incarceration followed by resumed supervision.

The final version of LB605 also incorporated the provisions of LB12 and LB354. LB12 was referred to the Health and Human Services Committee; it required the Department of Health and Human Services and the Department of Correctional Services to promulgate rules and regulations to ensure that enrollment in a medical assistance program is suspended, rather than terminated, when an enrolled individual becomes an inmate of a public institution. LB354 changed provisions of the Crime Victim's Reparations Act.

LB605 was passed by the Legislature and approved by the Governor.

**LB 606 (Mello) Adopt the Office of Inspector General of the Nebraska Correctional System Act, change provisions relating to the Public Counsel, and mandate a declaration by the Governor of a correctional system overcrowding emergency as prescribed.**

*(LB606 was incorporated into LB598; LB598 passed, LB606 was indefinitely postponed by the Judiciary Committee on January 11, 2016.)*

LB606 was one of three bills introduced to implement the recommendations made by the Department of Correctional Services Special Investigative Committee (the LR424 Committee). The other bills were LB592 (Bolz) and LB598 (Schumacher). The LR424 recommendations addressed in LB606 included the creation of an Inspector General of Corrections, making changes to the Overcrowding Emergency Act, and making changes to the Administrative

Procedures Act.

LB606 would have created the Office of Inspector General of the Nebraska Correctional System, similar to the existing Inspector General of Child Welfare created by the Health and Human Services Committee with LB821 (2012). The Inspector General would be within the Office of Public Counsel (Ombudsman's office), and would be authorized to investigate and report on issues that may require systemic reform, in addition to case-specific action. The bill would also require to Department to allow the Ombudsman's office to access certain computer records.

As introduced, the bill would have amended the Correctional System Overcrowding Emergency Act to change the permissive language to mandatory language. This change would restore the Act to the original language of **LB46** (2003). Prior to LB606, the Governor "may" declare an overcrowding emergency when the prison population reaches 140%. As amended by LB606, the Governor "shall" declare an emergency, which would require the Parole Board to consider or reconsider inmates who are parole eligible. This change would not require the Board to release anyone who would be unlikely to conform to the conditions of parole, anyone whose release would negatively impact prison discipline, or anyone who the Board considers likely to commit a violent act against a person. This change would not authorize the Department to release anyone without the approval of the Parole Board.

The bill also would have amended 84-901 to change the definition of "rule or regulation" for purposes of the Administrative Procedures Act (APA). As drafted, this change would significantly expand the definition, which would increase the number of agency actions that would be required to go through the formal APA process. At the hearing on LB606, Senator Mello discussed his intention to remove this portion from the bill, and supported further study of this issue. The Performance Audit Committee completed a report in September 2015, "Nebraska Administrative Procedure Act: Review of Selected Agencies and Best Practices" that made recommendations for further action.

After adopting an amendment to LB598 that incorporated provisions of LB592 and LB606, the Committee advanced LB598 to General File; LB598 passed and was signed into law.

LB606 was indefinitely postponed by the Judiciary Committee, following the passage of LB598.

### **LB 612 (Kintner) Change provisions relating to force in self-protection**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB612 would have amended 28-1409, to change provisions regarding the use of force in self-protection. Current statutes provide that the use of force upon another person is justifiable when the actor believes that force is immediately necessary to protect against the use of unlawful force, but is not justifiable in certain circumstances. A public hearing was held on February 27, 2015; the Committee took no further action on the bill.

Subsection (4)(a) would have provided that the use of deadly force is justifiable in certain circumstances, and would reiterate the circumstances described in 28-1410 and 28-1411. Subsection (4)(b) would provide that the use of deadly force is not justifiable in certain circumstances.

Subsection (5) of LB612 would make substantial changes to the existing statute, by striking the existing language from 28-1409(4)(b), which provides that, except in limited circumstances, the use of deadly force in self-protection is not justified if the actor knows he can avoid the need to use deadly force by retreating.

The new language in this subsection would provide that an actor may generally use deadly force in self-protection. Unless the actor is engaged in illegal activity, is the initial aggressor, or is assailed at work by a coworker, the actor “shall not be obliged to retreat”, or to surrender possession, or to comply with a demand not to act, before using deadly force. This would greatly expand the justification for the use of deadly force in self-defense when an actor could surrender a possession or comply with a demand instead. This subsection would also provide that a factfinder could not consider the possibility of retreat in determining whether the actor reasonably believed that the use of force was necessary.

Currently, the use of deadly force may be justifiable if the actor is at home or work, unless the actor was the initial aggressor, or was attacked by a coworker at work. However, even at home or at work, if the actor can avoid the use of deadly force by surrendering possession or by complying with a demand, then the use of deadly force is not justified under current law.

The bill would add the following new language to subsection (8): “The actor may be wrong in the estimation of the danger or the force necessary to repel the danger as long as there is a reasonable basis for the belief of the actor and the actor acts reasonably in the response to that belief.”

LB612 was indefinitely postponed at the end of the 2016 session.

**LB620 (Larson) Change provisions relating to lawsuits against public participation**  
*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB620 would have provided additional protections for defendants in a lawsuit related to communication in connection with a matter of public concern. A public hearing was March 5, 2015; the Committee took no further action on the bill.

LB620 was indefinitely postponed at the end of the 2016 session.

**LB625 (Krist) Adopt the Interstate Placement for Involuntarily Admitted Patients Agreement Act**  
*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB625 would have permitted involuntarily admitted patients to be transported across state lines for behavioral health treatment. A public hearing was held on March 12, 2015; the Committee took no further action.

LB625 was indefinitely postponed at the end of the 2016 session.

**LB 630 (Krist) Provide duties for the Nebraska State Patrol regarding criminal history record information checks**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB630 would have amended 29-3517, which requires criminal justice agencies, including the State Patrol, to institute a process of data collection, entry, storage, and systematic audit of criminal history record information that will minimize the possibility of recording and storing inaccurate information.

This bill would add another step to the process undertaken by the Nebraska State Patrol regarding requests for criminal history information. The bill would require the State Patrol to submit an applicant's fingerprints to the FBI for a national criminal history record information check.

LB630 was indefinitely postponed at the end of the 2016 session.

**LB 635 (Garrett) Change where a permitholder may carry a concealed handgun under the Concealed Handgun Permit Act**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB635 would have amended 69-2441 to allow concealed handgun permitholders to carry a concealed handgun in establishments that derive over half their income from the sale of alcoholic liquor. This bill would not affect the provision prohibiting the carrying of a concealed handgun in any place where the property owner has prohibited the carrying of concealed weapons.

LB635 was indefinitely postponed at the end of the 2016 session.

**LB 638 (Garrett) Change permit expiration provisions for members of the armed forces or their spouses under the Concealed Handgun Permit Act**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB638 would have changed provisions of the Concealed Handgun Permit Act.

The bill would have amended 69-2436 to allow a concealed handgun permit holder who is a member of the U.S. armed forces or the National Guard to have an active permit for up to 10 years, instead of 5 years, without paying the \$50 renewal fee.

LB638 was indefinitely postponed at the end of the 2016 session.

**LB643 (Garrett) Adopt the Medical Cannabis Act**

*(Placed on General File with Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

LB643 would have provided for the manufacture and distribution of cannabis for medical purposes. The Judiciary Committee advanced the bill with AM1254, which replaced the original version of the bill, and was adopted on General File. LB643 advanced to Select File, and was further amended with the adoption of AM2844 (Mello). Following extensive debate on General File and on Select File, the bill failed to advance to Final Reading.

LB643 was indefinitely postponed at the end of the 2016 session.

**LB647 (Nordquist) Prohibit discrimination relating to child placement**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB647 would have prohibited the Department of Health and Human Services from discriminating on the basis of race, color, religion, sex, sexual orientation, gender identity, disability, marital status or national origin in determining a suitable out-of-home or relative placement pursuant to the Nebraska Juvenile Code and licensing foster homes. A public hearing was February 4, 2015; the Committee took no further action.

LB647 was indefinitely postponed at the end of the 2016 session.

**LB648 (Howard) Provide for adoption by two adult persons**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB648 would have permitted adoption by two adult persons jointly, regardless of their marital status. The public hearing was February 4, 2015; the Committee took no further action.

LB648 was indefinitely postponed at the end of the 2016 session.

**LB 651 (Bloomfield) Change liability for certain court costs as prescribed**

*(Indefinitely postponed by the Judiciary Committee on February 10, 2015)*

LB651 would have amended 29-2704 to allow county court judges to waive certain court fees.

The bill also would have amended 29-2709 to eliminate a provision that designates certain fees that cannot be waived by county judges and to eliminate the process for requiring the county board to pay for uncollectible court costs.

Currently, when a county judge finds that the fees in a misdemeanor, traffic, felony preliminary, or juvenile case in county court are uncollectible, most court costs can be waived. However, certain fees cannot be waived by the judge, and must be paid by the county.

LB651 was indefinitely postponed by the Judiciary Committee.

**LB663 (*Speaker Hadley at the request of the Governor*) Change judges' salaries**

*(Placed on General File with Judiciary Committee amendment; passed by a 47-2-0 vote on May 14, 2015.)*

LB663 provided a salary increase for Nebraska judges in 2015 and 2016. The public hearing was February 4, 2015. The Committee advanced the bill with AM885. As amended by AM885, LB663 provided for a 3.5% salary increase in 2015 and a 3.5% increase in 2016. AM885 was adopted on General File.

LB663 was passed by the Legislature and approved by the Governor.

**LB670 (*Krist*) Require a hearing prior to release for persons taken into custody for mental health reasons**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB670 would have made changes to two sections related to persons believed to be mentally ill and dangerous.

Section 1 would have amended section 43-254.01 to require that a juvenile is believed to be mentally ill and dangerous and is taken into temporary custody not be released without a court hearing. Under current law, the county attorney has the discretion to order the immediate release of the juvenile upon notification of a mental health professional that the juvenile is not mentally ill and dangerous.

Section 2 would have amended section 71-919 of the Mental Health Commitment Act to require a mental health professional to immediately notify the county attorney if they determine that a person believed to be mentally ill and dangerous and taken into temporary custody is not mentally ill and dangerous. The county attorney would then pursue a court hearing within twenty-four hours regarding release. Under current law, a person taken into temporary custody shall be released unless the mental health professional determines the person is mentally ill and dangerous.

LB670 was indefinitely postponed at the end of the 2016 session.

**LB673 (Krist) Change provisions relating to appointment of guardians ad litem**

*(Placed on General File with Judiciary Committee amendment. LB673 was incorporated into LB894; LB894 passed, LB673 was indefinitely postponed on April 20, 2016.)*

LB673 would have required a court to appoint a county guardian ad litem division established by the county board and allow the county board to fix reasonable fees for guardian ad litem services performed.

The Judiciary Committee advanced LB673 to General File with AM2244, which replaced the original bill. Provisions from LB673 were incorporated into LB894, which passed.

LB673 was indefinitely postponed at the end of the 2016 session, following the passage of LB894.

**LB675 (Krist) Change provisions relating to placement and detention of juveniles**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB675 would have made several changes to the restrictions on placement and detention in § 43-251.01.

The language in subsections (4) and (5) of § 43-251.01 is reorganized and would eliminate the authority to place a juvenile at a youth rehabilitation and treatment center (YRTC) unless it is a matter of immediate and urgent necessity. The new subsection (5) would disallow the use of detention unless the physical safety of persons in the community would be seriously threatened or there a demonstrable record of willful failure to appear for court hearings.

The bill would not allow juveniles twelve years of age or younger to be placed in detention under any circumstances.

Under the new subsection (6), the bill would not allow any juveniles to be placed in detention to allow a parent or guardian to avoid legal responsibility; as punishment, treatment or rehabilitation; for more convenient administrative access; to facilitate further interrogation or investigation; due to a lack of more appropriate facilities; or to satisfy the demands of a victim, law enforcement or the community.

LB675 was indefinitely postponed at the end of the 2016 session.

**LB679 (Krist) Change reporting requirements of the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice**

*(Placed on General File without Judiciary Committee amendment; passed by a 47-0-2 vote on March 31, 2016.)*

LB679 clarified the duties and reporting requirements of the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice (“Crime Commission”).

The bill amended 47-627 to clarify the duties of the Community Corrections Division of the Crime Commission by clarifying the requirements of the Division’s annual report. The bill expanded the scope of the Division’s work by changing the term “corrections” to “correctional” and expanded the scope of the Division’s report to include a description of community correctional facilities and programs.

The 2015 Community Corrections Division report is available online, here:

[http://nebraskalegislature.gov/FloorDocs/104/PDF/Agencies/Crime\\_Commission/518\\_20150112-084230.pdf](http://nebraskalegislature.gov/FloorDocs/104/PDF/Agencies/Crime_Commission/518_20150112-084230.pdf)

LB679 was passed by the Legislature and approved by the Governor.

**LB681 (*Schnoor*) Change certain violation and penalty provisions under the Concealed Handgun Permit Act**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

Section 1 would have amended 69-2435, to strike language referring to 69-2443(4), regarding revocation of a concealed carry permit when a permitholder carries a concealed handgun in a prohibited place.

Section 2 would have amended 69-2436 to strike a reference to 69-2443(4), regarding revocation of a concealed carry permit when a permitholder carries a concealed handgun in a prohibited place. This section would also strike subsection (4), which requires a journal entry of expenses and revenue from the Public Safety Cash Fund. The deadline for completion of this requirement was June 30, 2007.

Section 3 would have amended 69-2439 to strike language referring to 69-2443(4), regarding revocation of a concealed carry permit when a permitholder carries a concealed handgun in a prohibited place.

Section 4 would have amended 69-2441, subsection (2), regarding circumstances in which a concealed carry permitholder may carry a concealed handgun on public property. Currently, if a person in control of the property posts notice that guns are not allowed, or asks someone carrying a concealed handgun to leave the property, then concealed carry is not allowed. LB681 would have provided that, if a person in control of the property asks a permitholder carrying a concealed handgun to leave the property, the permitholder is not in violation of this section unless the permitholder “defied the request”.

Section 5 would have amended 69-2443 to change the penalty for violating 69-2441(2) [the provision amended by section 4 of the bill] from a Class I misdemeanor to a Class III

misdemeanor. A violation of any other provision of 69-2441 would remain a Class I misdemeanor.

Section 6 would have repealed the sections amended by this bill.

LB681 was indefinitely postponed at the end of the 2016 session.

**LB693 (Morfeld) Change limitation of action provisions under the Political Subdivisions Tort Claims Act**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB693 would have amended §§ 13-919 and 13-920 to extend the time to make a claim to a political subdivision under the Political Subdivisions Tort Claims Act from one year to two years.

The statute of limitations to begin a suit against a political subdivision is two years, but would be extended by six months after the disposition of the claim by the governing body of the political subdivision or withdrawal of the claim pursuant to § 13-906. Under § 13-906, a claimant can withdraw a claim and begin a suit if the governing body has not made a final disposition within six months.

LB693 was indefinitely postponed at the end of the 2016 session.

**LB707 (Coash) Increase the number of judges of the separate juvenile court**

*(Placed on General File without Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

LB707 would have increased the number of separate juvenile court judges in Douglas County from five to six. A public hearing was held on March 2, 2016, and advanced to General File.

LB707 was indefinitely postponed at the end of the 2016 session.

**LB709 (Howard) Provide for an alternative to detention for juveniles**

*(Held in Committee. LB709 was incorporated into LB894; LB894 passed, LB709 was indefinitely postponed on April 20, 2016)*

LB709 would have replaced the classification in current law of juvenile programs and facilities that are considered “secure detention” and “nonsecure detention” with a new classification of “detention” and “alternatives to detention.” The bill also would have provided for additional court review of the use of these programs and facilities.

Section 1 would have made several changes to the definitions in § 43-245. This section first

added a definition of “alternative to detention.” This new definition would include a program or directive to increase supervision of a youth in the community, but excluded placements that utilize physical construction or hardware to restrain a youth’s freedom of movement and ingress and egress from the placement. Section 1 would also eliminate a definition for “nonsecure detention.” This section would amend the definition of “staff secure juvenile facility” by replacing a reference to § 83-4,125 with the actual language from § 83-4,125(3) referenced in the current definition.

Section 2 would have replaced a reference to “secure or nonsecure” placements in the temporary custody procedures in § 43-250 with a reference to “detention or an alternative to detention.” This section would also update § 43-250(6) to include reference to alternatives to detention and require that any placement or alternative to detention least restrict the juvenile’s freedom consistent with the best interest of the juvenile and safety of the community.

Section 3 would amend the intake investigation procedures in § 43-253 to require that a decision to place a juvenile in an alternative to detention also be based on the standardized juvenile detention screening instrument required by § 43-260.01. Section 3 would also require that any juvenile taken into temporary custody for a violation of state law or municipal ordinance, running away from his or her parent or guardian, violating probation, attempting to leave the jurisdiction or placing lives or property in danger and subjected to an alternative to detention infringing upon the juvenile’s liberty must appear before a court within twenty-four hours for a hearing to determine whether the alternative to detention is necessary. Such a hearing is already required under current law when a juvenile is placed in a secure detention facility.

Section 4 would amend § 43-255 to require that a juvenile be unconditionally released from a temporarily imposed alternative to detention within forty-eight hours unless a motion alleging a violation of a court order, a juvenile court petition or a criminal complaint has been filed. Unconditional release from detention or placement in such circumstances is already required under current law.

Section 5 would amend § 43-256 to allow a juvenile, his or her parent, guardian or attorney to request a probable cause hearing when the court has ordered a continuing alternative to detention that infringes the juvenile’s liberty interest. The court must hold the hearing within forty-eight hours and places the burden on the state to prove that the juvenile is within the jurisdiction of the court. Such a hearing is already authorized for placements and detention under existing law.

Section 6 would amend § 43-260.01 to replace the references to secure and nonsecure detention with references to detention and alternatives to detention. Section 43-260.01 provides the procedure for using a standardized juvenile detention screening instrument at intake.

Section 7 would amend § 43-260 to replace the references to secure and nonsecure detention with references to detention and alternatives to detention. Section 43-260 requires the Office of Probation Administration to prepare a standardized juvenile detention screening instrument and requires juvenile probation officers to use the instrument as an assessment tool to determine whether detention is necessary.

Section 8 would amend § 43-3504(1)(d) to change a reference from secure and nonsecure detention to detention and alternatives to detention. Section 43-3504 outlines the requirements for county juvenile services plans.

Provisions from LB709 were incorporated into LB894; LB894 was passed by the Legislature and approved by the Governor.

LB709 was indefinitely postponed at the end of the 2016 session.

**LB710 (Hughes) Change provisions relating to hazing**

*(Placed on General File with Judiciary Committee amendment; passed by a 47-0-2 vote on March 24, 2016.)*

LB710 amended 28-311.06 to update and add language to the definition of “hazing” and strike an unnecessary cross-reference.

The bill added language to the definition of “hazing” to include acts described in the offense of public indecency (28-806) and to include coercing another person to commit an act of public indecency. The bill made no change to the penalties for hazing. Hazing is a Class II misdemeanor (0-6 months imprisonment, up to \$1,000 fine, or both), and may also include a fine of up to \$10,000 for an organization. The bill moved the definition of the term “organization” into an operative section instead of a stand-alone definition; the bill made no substantive change to the definition of “organization.”

A public hearing was held on February 4, 2016. The Committee advanced the bill to General File with an amendment, AM1846, which was adopted.

LB710 was passed by the Legislature and approved by the Governor.

**LB720 (Kuehn) Change certain invasion of privacy provisions to include unmanned aircraft or unmanned aircraft systems**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

Sections 20-201 to 20-211 provide for a right to privacy and create a legal remedy in the event of a violation of this right.

Section 6 of LB720 would have created a presumption that a person operating an unmanned aircraft within the airspace over privately owned property less than two hundred feet above ground level without express permission of the owner while capturing visual or sound recording is liable for invasion of privacy.

LB720 was indefinitely postponed at the end of the 2016 session.

**LB738 (Ebke) Prohibit the use of cell-site simulator technology or devices by law enforcement agencies**

*(LB738 was incorporated into LB831; LB831 was placed on General File, LB738 was held in Committee. Both bills were indefinitely postponed on April 20, 2016.)*

LB738 would have prohibited law enforcement agencies from purchasing and using “cell-site simulator technology or devices,” and would have defined the term “cell-site simulator.” A public hearing was held on January 21, 2016. LB738 was incorporated into LB831; LB831 was placed on General File, and was indefinitely postponed at the end of the 2016 session.

LB831 was indefinitely postponed at the end of the 2016 session.

**LB744 (Watermeier) Provide for communication and contact agreements in private and agency adoptions**

*(Placed on General File with Judiciary Committee amendment; passed by a 46-0-3 vote on April 7, 2016.)*

LB744 authorized adoptive parents and birth parents to enter into a written agreement to permit continuing communication and contact after the placement of the adoptee in a private and agency adoption. The Committee advanced LB744 with an amendment, AM2142, which was adopted on General File. The bill was further amended by AM2727 (Watermeier), which was also adopted on General File.

LB744 was passed by the Legislature and approved by the Governor.

**LB757 (Brasch) Change provisions relating to personal property exemptions in cases of forced sale or execution or attachment**

*(Placed on General File without Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

LB757 would have increased the value of a judgment debtor’s personal property that is exempt from forced sale, execution or attachment. The bill would have amended section 25-1552 to increase the personal property exemption from \$2,500 to \$5,000. The bill also would have amended section 25-1556 to increase the amount of the exemption for household property from \$1,500 to \$3,000, increase the amount of the exemption for business property from \$2,500 to \$5,000, remove a motor vehicle from business property, and create a new exemption for a motor vehicle of \$5,000.

LB757 was indefinitely postponed at the end of the 2016 session.

**LB767 (Garrett) Prohibit dismemberment abortion as prescribed and provide for civil and criminal penalties**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

Section 3 defines dismemberment abortion to mean using instruments to purposely dismember a living unborn child. The definition excludes using suction to cause the dismemberment.

This section would also redefine emergency situation to change the standard from the physician's good faith clinical judgment to reasonable medical judgment. The definition would also require the potential impairment of a major bodily function to be physical and irreversible. The definition would specifically exclude psychological and emotional conditions.

Section 4 would prohibit a dismemberment abortion to be performed at any time, except in emergency situations.

Section 5 would permit a physician to seek a hearing before the Board of Medicine and Surgery as to whether the dismemberment abortion was necessary. This section would also limit liability for performing the dismemberment abortion to the performing physician.

Section 6 would authorize a pregnant woman or her spouse, parent, guardian, current physician or former physician or a prosecuting attorney to seek injunctive relief against a physician from performing or attempting to perform dismemberment abortions.

Section 7 would create a cause of action against a physician for civil damages caused by a dismemberment abortion that can be maintained by a pregnant woman, the pregnant woman's husband if he is the father of the unborn child, or the woman's parents if the pregnant woman is under the age of eighteen or died as a result of the abortion. Damages would include physical and psychological injuries.

Section 8 would authorize an award of attorney's fees.

Section 9 would provide anonymity of the pregnant woman in civil, criminal and administrative actions under the actions created in the bill.

Section 13 would amend section 38-2021 to include performing dismemberment abortions in the definition of unprofessional conduct.

Sections 14 and 15 are severability clauses.

LB767 was indefinitely postponed at the end of the 2016 session.

**LB769 (Garrett) Change provisions relating to firearms**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

Section 1 would have amended 28-1204.02 to provide new language regarding the disposition of forfeited or abandoned firearms.

Subdivision (2)(b) would have required law enforcement to try to determine if a firearm was lost by or stolen from an “innocent owner”. If so, law enforcement would be required to return the firearm to the owner, unless he or she is prohibited by state or federal law from possessing a firearm.

Subdivision (2)(c) would have required law enforcement to dispose of firearms at a public auction to licensed firearms dealers, and would have provided requirements for the auctions.

Subdivision (2)(d) would have provided that if there were no bids on firearms in 6 months, a law enforcement agency may transfer the firearms to the State Patrol or a museum, or may destroy the firearms.

Subdivision (2)(e) would have required law enforcement agencies to keep records of firearms disposed of under this section, and would have provided requirements for the records to be kept.

Subdivision (2)(f) would have provided a limitation on liability of action under this section.

Subdivision (2)(g) would have provided that, after confiscation of a firearm, a firearm owner may petition the district court for return of his or her firearm.

Subdivision (2)(h) would have provided that proceeds from sale of firearms under this section shall be distributed by the State Treasurer according to Article VII, section 5, of the Nebraska Constitution. *\*\*NOTE: Article VII, section 5 governs fines, penalties and license money, requires them to go to schools.*

Section 2 would have amended 29-820, the statute directing law enforcement agency disposal of property that is no longer required as evidence. The bill would strike language in subdivision (1)(f) relating to firearms.

Section 3 would have amended 69-2441 to change provisions regarding the carrying of a concealed handgun.

Currently, a concealed carry permitholder may carry a concealed handgun anywhere in the state, except as provided in this section. The bill would strike all the restrictions except:

- A police, sheriff, or State Patrol station or office
- A detention facility, prison or jail
- A courtroom

This bill would have allowed a permitholder to carry a concealed firearm in the following places/circumstances:

- building which contains a courtroom;
- polling place during a bona fide election;

- meeting of the governing body of a county, public school district, municipality, or other political subdivision;
- meeting of the Legislature or a committee of the Legislature;
- financial institution;
- professional or semiprofessional athletic event;
- building, grounds, vehicle, or sponsored activity or athletic event of any public, private, denominational, or parochial elementary, vocational, or secondary school, a private postsecondary career school as defined in section 85-1603, a community college, or a public or private college, junior college, or university;
- place of worship;
- hospital, emergency room, or trauma center;
- political rally or fundraiser;
- establishment having a license issued under the Nebraska Liquor Control Act that derives over one-half of its total income from the sale of alcoholic liquor;
- place where the possession or carrying of a firearm is prohibited by state or federal law;
- a place or premises where the person, persons, entity, or entities in control of the property or employer in control of the property has prohibited permit holders from carrying concealed handguns into or onto the place or premises;
- any other place or premises where handguns are prohibited by state law.

Currently, there are several “exceptions to the exceptions” that allow permit holders to carry a concealed handgun in certain prohibited places, in certain circumstances. The bill would have eliminated the restrictions on carrying a concealed handgun in a financial institution or place of worship; these restrictions are not necessary if those are no longer prohibited places.

Section 4 would have amended 79-283 regarding the expulsion of a student for possession of a dangerous weapon. The bill would change a reference in subsection (3) from “dangerous weapon other than a firearm” to “an illegal weapon or explosive”. The bill would make no change to subsection (4), regarding the expulsion of a student for possession of a firearm.

Section 5 would have repealed the sections amended by this bill.

Section 6 would have outright repealed section 79-263, section 28-1204.03, and section 28-1204.04.

LB769 was indefinitely postponed at the end of the 2016 session.

**LB780 (*Schumacher*) Change provisions relating to emergency protective custody**  
*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB780 would have amended provisions of the Nebraska Mental Health Commitment Act related to the entity responsible for a person taken into emergency protective custody.

Section 2 would provide that a person taken into emergency protective custody would be placed into the custody of the Division of Behavioral Health of the Department of Health and Human Services for placement at an appropriate and available medical facility. The transfer of custody would be required to take place at a local medical facility or law enforcement agency office within one hour of notification by law enforcement. The Division would be authorized to designate another entity to perform this function and would be permitted to contract with the local law enforcement agency to handle transportation, placement and admission at the identified facility.

Section 3 would have made the refusal or neglect by the Director of Behavioral Health or his or her designee to carry out the duties required in § 71-919 a Class IV misdemeanor, which has a maximum penalty of a \$500 fine.

Sections 1 and 4 would have updated statutory references.

LB780 was indefinitely postponed at the end of the 2016 session.

**LB793 (*Watermeier*) Change provisions and penalties relating to implements for escape and contraband and certain assaults**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

Section 1 would have amended 28-115, which provides a penalty enhancement for the commission of certain offenses against a pregnant woman, to change references to offenses amended by this bill and to strike a reference to a section outright repealed by this bill.

Section 2 would have amended 28-913 to change elements of an offense relating to “introducing escape implements” into a detention facility. In subsection (1), as amended, the offense would relate to contraband in a detention facility more broadly, including (a) introducing contraband into a detention facility, (b) conveying contraband to an inmate in a detention facility, and (c) making or possessing contraband while confined in a detention facility.

Subsection (2) would have defined the following terms for purposes of this section:

- Contraband (generally would include: drugs, weapons, cell phones, escape implements, alcohol, tobacco, and money)
- Detention facility
- Unlawfully

Subsection (3) would have stated the penalty for violations of this section. A violation involving certain types of contraband (drugs, weapons, cell phones, and escape implements) would be a **Class III felony**; a violation involving other types of contraband (alcohol, tobacco, and money) would be a **Class I misdemeanor**.

Subsection (4) would have required mandatory consecutive sentences, except for juveniles.

Section 3 would have amended 28-929 to change terminology used in the offense of **1<sup>st</sup> degree** assault on an officer or healthcare worker, to use the term as defined in section 4 of this bill. This section made no substantive change to the offense, which is a **Class ID felony**.

Section 4 would have amended 28-929.01 to define the term “public safety officer” for purposes of the following sections:

- 28-929 (1<sup>st</sup> degree assault on an officer or healthcare worker)
- 28-929.02 (sign requirement)
- 28-930 (2<sup>nd</sup> degree assault on an officer or healthcare worker)
- 28-931 (3<sup>rd</sup> degree assault on an officer or healthcare worker)

This section would also strike reference to section 28-931.01, which would be outright repealed by this bill.

Section 5 would have amended 28-930 to change terminology used in the offense of **2<sup>nd</sup> degree** assault on an officer or healthcare worker, to use the term as defined in section 4 of this bill. This section makes no substantive change to the offense, which is a **Class II felony**.

Section 6 would have amended 28-931 to change terminology used in the offense of 3<sup>rd</sup> degree assault on an officer or healthcare worker, to use the term as defined in section 4 of this bill. This section makes no substantive change to the offense, which is a **Class IIIA felony**.

Section 7 would have amended 28-1351 to update references to the sections amended by this bill and to strike a reference to a section outright repealed by this bill. This section makes no substantive change.

Section 8 would have amended 28-1354 to update references to the sections amended by this bill and to strike a reference to a section outright repealed by this bill. This section makes no substantive change.

Section 9 would have amended 83-417 to strike a reference to conveying “any article” to or from a committed offender, which is a **Class IV felony**. This offense would be replaced by the contraband provisions in section 2 of the bill.

Section 10 would have repealed the sections amended by this bill.

Section 11 would have outright repealed section 28-931.01.

LB793 was indefinitely postponed at the end of the 2016 session.

**LB815 (*Stinner*) Change provisions relating to petitions for removal of a person's firearms-related disabilities or disqualifications**

*(Placed on General File without Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

LB815 would have amended 71-963 to clarify the process for removal of restrictions on firearm possession for an individual who has been civilly committed.

The bill provided that the burden of proof is on the petitioner to show that (A) he or she is not likely to act in a manner dangerous to public safety; and (B) removing the petitioner's firearms-related disqualification would not be contrary to the public interest. The bill would have required the petitioner to meet the "clear and convincing evidence" standard of proof. The Committee advanced the bill to General File without amendment; no further action was taken on the bill.

LB815 was indefinitely postponed at the end of the 2016 session.

**LB829 (Harr) Adopt the Revised Uniform Fiduciary Access to Digital Assets Act (2015)**  
*(Placed on General File with Judiciary Committee amendment; passed by a 49-0-0 vote on April 13, 2016.)*

LB829 provided a process for providing access to digital assets for personal representatives, conservators, agents and trustees. A public hearing was held on February 11, 2016. The Committee advanced LB829 to General File with AM2056, which was adopted.

LB829 was passed by the Legislature and approved by the Governor.

**LB831 (Hansen) Adopt the Automatic License Plate Reader Privacy Act**  
*(Placed on General File with Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

LB831 would have adopted the Automatic License Plate Reader Privacy Act. A public hearing was held on January 21, 2016. The Committee advanced LB831 to General File with AM2119, which would have incorporated provisions from LB738 to prohibit law enforcement agencies from purchasing and using "cell-site simulator technology or devices."

LB831 was indefinitely postponed at the end of the 2016 session.

**LB832 (Morfeld) Provide for seizure and sale of a motor vehicle illegally transporting household goods for hire**  
*(Held in Committee; indefinitely postponed on April 20, 2016)*

Section 75-309.01 currently provides that a motor vehicle owned, used or attempted to be used as a common or contract carrier to transport passengers for hire without authorization is subject to seizure and confiscation.

LB832 would have amended this section to add vehicles transporting household goods. The bill would also add a new subsection which clarifies that the household goods contained in the vehicle are not subject to seizure and must be safely secured on behalf of the owners, and would have required the Public Service Commission to promulgate rules and regulations.

LB832 was indefinitely postponed at the end of the 2016 session.

**LB833 (*Schumacher*) Change provisions relating to child enforcement actions**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB833 would have amended several statutory sections to allow proceedings to enforce an order of child support in the county where the original support order was entered or in a county where the child has continuously resided for ninety of the previous one hundred eighty days.

Child support enforcement actions are typically brought as a motion to show cause within the original action that entered the original support order. It is not clear when an entirely new action would be initiated to enforce a support order.

LB833 was indefinitely postponed at the end of the 2016 session.

**LB835 (*Mello*) Change provisions relating to consumer protection**

*(Placed on General File with Judiciary Committee amendment; passed by a 46-0-3 vote on April 7, 2016.)*

LB835 changed provisions relating to consumer protection. A public hearing was held on January 28, 2016. The Committee advanced the bill to General File with AM2138, which was adopted. The bill was further amended by AM2789 (Mello) on Select File.

LB835 was passed by the Legislature and approved by the Governor.

**LB839 (*Chambers*) Require background checks and other requirements for persons purchasing certain types of tactical gear**

*(Indefinitely postponed by the Judiciary Committee on February 24, 2016)*

LB839 would have imposed requirements on any person attempting to purchase or possess tactical gear, military-grade helmets, body armor, night-vision eyewear or scopes, and high-capacity ammunition clips. The bill would have required a person attempting to purchase or possess any of these items to be at least 21 years old, and would have required them to pass a background check that is the same as a federal firearm background check. The bill did not include a penalty provision.

LB839 was indefinitely postponed by the Judiciary Committee.

**LB843 (*Pansing Brooks*) Provide immunity from prosecution for prostitution and change forensic medical examination provisions**

*(Placed on General File with Judiciary Committee amendment; passed by a 42-0-7 vote on April 7, 2016.)*

LB843 changed provisions relating to prostitution, and also incorporated provisions of LB1097 relating to sexual assault forensic testing. A public hearing on LB843 was held on February 10, 2016. The Committee advanced the bill with AM2335, which incorporated provisions of LB1097. AM2335 was adopted on General File. LB843 was further amended on Select File by AM2665 (Harr), and was returned from Final Reading for another amendment, AM2734 (Harr), which was adopted on the second round of Select File.

LB843 was passed by the Legislature and approved by the Governor.

**LB845 (*Pansing Brooks*) Provide requirements relating to confinement of juveniles and provide a duty for the Inspector General of Nebraska Child Welfare**

*(Held in Committee. LB845 was partially incorporated into LB894; LB894 passed, LB845 was indefinitely postponed on April 20, 2016.)*

LB845 would have created documentation and reporting requirements related to the use of room confinement of juveniles. Provisions from LB845 were incorporated into LB894, which passed and was approved by the Governor.

As introduced, LB845 would have made the following changes:

Section 1 would have changed a reference in § 43-251.01 to a subsection in § 83-4,125 that is changed from subsection (3) to subsection (5).

Section 2 would have amended § 83-4,125 to add definitions for “juvenile facility” and “room confinement.” Juvenile facility is defined as any residential facility housing youth under the age of majority. Room confinement is defined as the involuntary restriction of a juvenile to a cell, room, or other area alone, except during normal sleeping hours.

Section 3 would have added a reference in § 83-4,126 to the new responsibility of the Jail Standards Board created in Section 6.

Section 4 would have added a reference in § 83-4,132 related to the procedure for an inspection created under Section 6.

Section 5 would have added a reference in § 83-4,134 to the implementation and development of standards pursuant to Section 6.

Section 6 would have created additional requirements for the use and reporting of room confinement in juvenile facilities. Subsection 2(a) would require room confinement of more than two hours to be approved and documented in writing by a facility supervisor. This subsection would require room confinement of more than three hours to be approved and documented by the head of the facility. This subsection also enumerates the information required to be included in the documentation.

Subsection 2(b) would require that any physical or mental health evaluation performed while the juvenile is in room confinement for more than one hour to be considered in any decision to place a juvenile in or to continue room confinement.

Subsection 2(c) would require juvenile facilities to report quarterly to the Legislature on the use of room confinement of juveniles.

Subsection 2(d) would require room confinement of a juvenile for more than four hours to be documented and specifically addressed in the quarterly report to the Legislature. The report must specifically include all corrective measures and reasons that attempts to return a juvenile to general population were unsuccessful.

Subsection 2(e) would require the Inspector General of Nebraska Child Welfare to review all data collected pursuant to Section 6 of LB845 and assess the use of room confinement for juveniles and prepare an annual report.

LB845 was indefinitely postponed at the end of the 2016 session, following the passage of LB894.

**LB846 (*Pansing Brooks*) Require law enforcement agencies to adopt a policy regarding suspect identifications by witnesses**

*(Placed on General File with Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

As introduced, LB846 would have required law enforcement agencies to adopt a policy on eyewitness identification procedures and provide a copy of the policy to the Crime Commission. The bill would have required law enforcement agency policies on eyewitness identification procedures to incorporate certain recognized best practices, as specified in the bill. The bill also would have required the Crime Commission to develop a model policy on eyewitness identification procedures, and would have required any law enforcement agency that did not develop its own policy to adopt the model policy developed by the Crime Commission.

LB846 was placed on General File with AM1908. An amended version was incorporated into LB1000, which was passed by the Legislature and approved by the Governor.

LB846 was indefinitely postponed at the end of the 2016 session, following the passage of LB1000.

**LB847 (*Pansing Brooks*) Change provisions relating to juries**

*(Placed on General File with Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

LB847 would have made changes to the jury selection process. A public hearing was held on February 17, 2016. The Committee advanced LB847 to General File with an amendment, AM2273; no further action was taken on the bill.

LB847 was indefinitely postponed at the end of the 2016 session.

**LB848 (*Pansing Brooks*) Change provisions relating to courts**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB848 would have made several changes to modernize terminology and update reference to account for electronic court filing and recordkeeping. In particular, the bill would have changed the use of the terms “docket,” “record,” “register of actions,” “index,” “journal,” and “file.” Section 40 provides definitions to clerks of court for fee record, general index, judge’s notes, judgment index, register of actions and trial docket.

The bill would also have tasked the State Records Administrator with determining processes for the retention and disposition of court records pursuant to the Records Management Act.

Section 72 would specifically authorize and require clerks of the district court to use the court’s electronic case management system to keep the fee book.

Section 79 would have amended section 43-2,108 to permit juvenile court files to be maintained electronically or in paper form, but does not require the files to be maintained in a consistent way. It is also unclear how judge’s notes and confidential record information would be maintained.

Section 86 would require the State Court Administrator to make forms and instructions available on the Supreme Court’s website for the judicial bypass procedure for an abortion for a woman under the age of eighteen.

The bill would also have outright repealed a number of sections that primarily involve duties of the clerks of court that predate electronic filing and recordkeeping.

LB848 was indefinitely postponed at the end of the 2016 session.

**LB854 (*Coash*) Adopt the Self-Service Storage Facilities Act and provide for a lien on certain property**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB854 related to the use and access of self-service storage facility and the disposition of property in a self-service storage facility.

Section 2 provides definitions for terms used in the bill. This section defines “commercially reasonable sale”, “default”, “electronic mail”, “emergency”, “last-known address”, “leased space”, “occupant”, “operator”, “personal property”, “property which has no commercial value”, “rental agreement” and “self-service storage facility”.

Section 3 would prohibit an operator from permitting a self-service storage facility to be used as a residence.

Section 4 would require an occupant to allow the operator to enter a leased space for inspection or repair. In case of an emergency, an operator would be permitted to enter the leased space for inspection or repair.

Section 5 would provide for a lien on property within a self-service storage facility for amounts due under a rental agreement.

Section 6 would permit an operator to deny access to the facility for occupants that are in default of the rental agreement.

Section 7 would permit an occupant to sell property within a self-service storage facility if the occupant is in default for more than forty-five days. This section provides for the procedural requirements for notice of the sale and demands for payment before such a sale can be conducted.

Section 8 would provide that control and custody of personal property within a self-service storage facility would remain vested in the occupant until a lien sale pursuant to Section 7, unless otherwise provided in the rental agreement.

Section 9 would permit the parties to the rental agreement to create rights, duties and obligations not contained within the Act.

LB854 was indefinitely postponed at the end of the 2016 session.

**LB861 (Schumacher) Provide for court review of inmate restrictive housing placement as prescribed**

*(Placed on General File without Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

LB861 is a bill related to the use of “restrictive housing” or “solitary confinement” within the Department of Correctional Services (“the Department”). This bill follows up on the changes

made by LB598 during the last session as a result of the LR424 Committee recommendations.

The bill would have amended 83-173.03 to allow judicial review of an inmate's placement in restrictive housing for any inmate in restrictive housing for longer than 90 days. The bill also would have amended 83-4,114 to add a requirement to the Department's annual report to the Legislature and Governor regarding the use of restrictive housing. The bill would require the Department to include information in the report on the number of inmates who were released from restrictive housing based upon an order of a district judge.

A public hearing was held on February 4, 2016. The bill was advanced to General File without amendment. No further action was taken on the bill.

LB861 was indefinitely postponed at the end of the 2016 session.

**LB885 (Davis) Provide student journalists the right to exercise freedom of speech and of the press**

*(Placed on General File without Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

Under LB885, a student journalist at the University of Nebraska, a state college or community college would explicitly have the right to exercise freedom of speech and of the press and would be responsible for determining the news, opinion, feature, and advertising content of school-sponsored media. A public hearing was held on February 25, 2016. The bill was advanced to General File without amendment. No further action was taken on the bill.

LB885 was indefinitely postponed at the end of the 2016 session.

**LB890 (Brasch) Change provisions relating to actions involving motor vehicle collisions with domestic animals**

*(Indefinitely postponed by the Judiciary Committee on March 1, 2016)*

LB890 would have amended section 25-21,274 to prevent the application of the doctrine of *res ipsa loquitur* ("the thing speaks for itself") in cases involving motor vehicle collisions with escaped livestock on public roadways.

The doctrine of *res ipsa loquitur* allows an inference of negligence without specific evidence if (1) The occurrence is one which would not, in the ordinary course of things, happen in the absence of negligence, (2) the instrumentality which produces the occurrence must be under the exclusive control and management of the alleged wrongdoer, and (3) there must be an absence of explanation by the alleged wrongdoer.

The Nebraska Supreme Court held in *McLaughlin Freight Lines, Inc. v. Gentrup*, 798 N.W.2d 386 (Neb. 2011) that the current version of section 25-21,274 does not prevent *res ipsa loquitur*

theory of recovery.

LB890 was indefinitely postponed by the Judiciary Committee on March 1, 2016.

**LB892 (*Kintner*) Change provisions relating to intimidation by telephone call**  
*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB892 would have changed provisions relating to the criminal offense of “intimidation by telephone call”.

The bill would have amended 28-1310 to expand the criminal offense of “intimidation by telephone call” to also include intimidation by an “electronic communication device”. The bill would not change the penalty; intimidation by telephone call or electronic communication device would be punishable as a Class III misdemeanor. (0 to 7 days imprisonment, \$500 fine, or both)

In subsection (5) the bill would define the term “electronic communication device” for purposes of this section as follows:

Electronic communication device means any device which, in its ordinary and intended use, transmits by electronic means writings, sounds, visual images, or data of any nature to another electronic communication device.

The definition of “electronic communications device” used in this bill is the same as the definition used in [28-833](#), which describes the offense of “enticement by electronic communication device”.

LB892 was indefinitely postponed at the end of the 2016 session.

**LB893 (*Pansing Brooks*) Modify jurisdiction of juvenile courts and change provisions relating to temporary custody and disposition of juveniles**  
*(LB893 was partially incorporated into LB894. LB894 passed, LB893 was held in Committee and indefinitely postponed on April 20, 2016.)*

LB893 would have created a minimum age of eleven years old in juvenile court delinquency and status offense cases. LB893 was partially incorporated into LB894; LB894 was passed by the Legislature and approved by the Governor.

As introduced, LB893 would have made the following changes:

Section 1 would have amended § 43-247 to reclassify juvenile court jurisdiction over delinquency and status offense cases for juveniles under the age of eleven as child welfare cases under subsection 3(a).

Section 2 would have amended § 43-248 to reorganize the instances when a peace officer is permitted to take a juvenile into temporary custody. Juveniles under the age of eleven are moved

to a new subsection (8).

Section 3 would have required a peace officer that takes a juvenile into temporary custody under the new § 43-248(8) created in Section 2 to deliver the juvenile to the Department of Health and Human Services pursuant to § 43-250(2).

Section 4 would have amended § 43-251.01(6) to prohibit a juvenile alleged to be a juvenile under § 43-247(3) from being placed in a juvenile detention facility. The current statute only references § 43-247(3)(b).

LB893 was indefinitely postponed at the end of the 2016 session, following the passage of LB894.

**LB894 (*Pansing Brooks*) Change provisions relating to appointment of counsel in juvenile cases**

*(Placed on General File with Judiciary Committee amendment; passed by a 46-0-3 vote on April 1, 2016.)*

LB894 changed provisions relating to appointment of counsel in juvenile cases. The Committee advanced the bill with an amendment, AM1962, which was adopted on General File. The bill was further amended on General File with the adoption of AM2456 (Krist). On Select File, further amendments – AM2600 (Howard), AM2610 (Krist), AM2630 (Chambers), AM2616 (Coash), AM2654 (Pansing Brooks), AM2700 (Krist) – were adopted.

LB894 was passed by the Legislature and approved by the Governor.

**LB910 (*Bolz*) Change provisions relating to the Office of Parole Administration, restrictive housing provided by correctional services, and ineligibility of certain felons for benefits as prescribed**

*(Placed on General File with Judiciary Committee amendment. LB910 was incorporated into LB1094; LB1094 passed, LB910 was indefinitely postponed on April 20, 2016.)*

As introduced, LB910 was a “clean-up” bill for LB598 (2015), which implemented the LR424 Committee recommendations. A public hearing was held on February 4, 2016, and the Committee advanced LB910 to General File with AM2328. The Committee amendment, AM2328, made minor changes to the provisions relating to the Inspector General of Corrections, the Parole Administrator, and the timeline for the transition of the Parole Administration out of the Department. Section 5 of the amendment incorporated provisions of LB690 (a bill referred to the Health and Human Services Committee); sections 6 through 8 incorporated provisions of LB1080 (a bill referred to the Government, Military and Veterans Affairs Committee).

On General File, AM2328 was not adopted. On General File and on Select File, LB910 was filibustered because of opposition to LB690. Except for the parts that came from LB690 and

LB1080, the provisions of LB910 as amended by the Committee were incorporated into LB1094, which passed. LB1080 passed on its own; LB690 was indefinitely postponed.

LB910 was indefinitely postponed at the end of the 2016 session.

**LB915 (McCollister) Create a veterans' treatment court pilot project**

*(Held in Committee. LB915 was partially incorporated into LB919; LB919 passed, LB915 was indefinitely postponed on April 20, 2016.)*

LB915 would have created a veterans' treatment court pilot project in Douglas County. As introduced, the bill would have amended 24-1302, the statute stating legislative intent regarding problem solving courts.

Subsection (3)(a) would have stated the Legislature's intent to create a three-year pilot project for a veterans' treatment court program in Douglas County. The program would be subject to the Supreme Court's rules for problem solving courts. Subsection (3)(b) would have required the Supreme Court to submit a report to the Legislature with the Court's recommendations regarding the pilot project. The report would include the following:

- the Court's recommendations regarding the continuation or termination of veterans' treatment courts in Nebraska;
- the Court's recommendations regarding the continuation of the pilot project in Douglas County; and
- the Court's recommendations regarding the use of veterans' court programs in other counties.

A similar bill, LB919, passed, with intent language in LB919A incorporating LB915.

LB910 was indefinitely postponed at the end of the 2016 session, after the passage of LB919.

**LB916 (Howard) Provide immunity from criminal or civil liability for removal of an animal from a motor vehicle by forcible entry as prescribed**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB916 would have provided for criminal and civil liability for damage to a motor vehicle caused by a person removing or rescuing an animal locked or trapped inside under certain conditions.

To qualify for the immunity, the motor vehicle must be locked or there is no otherwise reasonable method to remove the animal. Using the word "or" would potentially create immunity in a situation where the door is locked but there is an otherwise reasonable method to remove the animal. The person causing the damage must have a reasonable belief that forcible entry is necessary because the animal is in imminent danger of suffering harm or death if not removed. The term "harm" is not qualified by any level of seriousness or whether the type of harm is

physical. The person causing the damage must contact emergency personnel before forcible entry and must place written notice with contact information and an explanation on the windshield or the driver's side door after the entry. The person must remain with the animal in a safe location reasonable close to the vehicle until emergency personnel arrive. A person who attempts to administer further aid to the animal shall not be subject to criminal or civil liability for harm or death to the animal. LB916 would not provide immunity or limit liability for death or injury caused to another person.

LB916 was indefinitely postponed at the end of the 2016 session.

**LB919 (*Williams*) Change provisions relating to problem solving court programs**

*(Placed on General File with Judiciary Committee amendment; passed by a 47-0-2 vote on April 12, 2016.)*

LB919 changed provisions relating to problem solving courts. A public hearing was held on February 5, 2016. The Committee advanced the bill to General File with an amendment, AM2171, which was adopted.

The bill amended 24-1301 to update Legislative findings regarding problem solving courts. LB919 also amended 24-1302, the statute stating legislative intent regarding problem solving courts. In addition to drug courts and problem solving courts, the bill expanded the language to include veterans', mental health, driving under the influence, and reentry courts. LB919 also amended 29-2246, the definition section of the Nebraska Probation Administration Act, to strike reference to "drug court". The bill used the term "problem solving courts" as an umbrella term, which would include drug courts.

LB919A incorporated provisions from LB915, regarding a veterans' treatment court pilot project in Douglas County.

LB919 was passed by the Legislature and approved by the Governor.

**LB920 (*Pansing Brooks*) Add members to the Nebraska Police Standards Advisory Council**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB920 would have amended 81-1407 to add two full-time law enforcement officers with a rank of sergeant or below to the Nebraska Police Standards Advisory Council.

LB920 was indefinitely postponed at the end of the 2016 session.

**LB924 (*Kolterman*) Provide an additional withholding procedure for certain payments under the Income Withholding for Child Support Act**

*(Placed on General File without Judiciary Committee amendment; passed by a 46-0-3 vote on*

*April 1, 2016.)*

LB924 amended section 43-1718.01 to specifically authorize automatic withdrawal of support payments in cases when services are provided under Title IV-D of the federal Social Security Act.

To qualify for automatic withdrawal, the custodial parent, noncustodial parent and DHHS must sign a notarized agreement. In addition, the noncustodial parent must be current on his or her support payments, the amount withdrawn must be at least the amount of the court-ordered amount, and the withdrawal must occur on a consistent basis each month.

LB924 was passed by the Legislature and approved by the Governor.

**LB932 (Crawford) Redefine not-for-profit organization for purposes of liability provisions**  
*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB932 would have expanded the definition of a not-for-profit organization to include a unit owners association organized under the Nebraska Condominium Act. Section 25-21,191 provides that an uncompensated director, officer or trustee of a not-for-profit organization is immune from civil liability for an act or omission while acting within the scope of his or her official duties. Section 25-21,192 provides limitations on this immunity.

LB932 was indefinitely postponed at the end of the 2016 session.

**LB934 (Coash) Change provisions relating to the Office of the Public Guardian**  
*(Placed on General File with Judiciary Committee amendment; passed by a 48-0-1 vote on April 12, 2016.)*

LB934 amended the Public Guardianship Act. A public hearing was held on February 3, 2016. The Committee advanced the bill with an amendment, AM2190 that incorporated provisions from LB1008. The bill was amended further on General File with the adoption of AM2276 (Coash), to incorporate provisions of LB1007, and again on Select File with the adoption of AM2544 (Coash).

LB934 was passed by the Legislature and approved by the Governor.

**LB937 (Ebke) Eliminate a prohibition on marriage of persons with venereal disease**  
*(Held in Committee; indefinitely postponed on April 20, 2016)*

Section 42-102 currently prevents a person afflicted with a venereal disease from marrying in Nebraska. LB937 would have eliminated this prohibition. A public hearing was held on January 27, 2016; no further action was taken on the bill.

LB937 was indefinitely postponed at the end of the 2016 session.

**LB943 (Hansen) Update references with respect to husband and wife**  
*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB943 would have replaced a number of statutory references to “husbands and wife” with references to “spouses in a marriage relationship” and would have changed references from “widow” to “surviving spouse.”

Sections 5, 6, 19, 29, 30, 31, 32 and 33 would amend statutory sections that have evolved over time as the rights of married women have changed. Historically, a married woman’s legal rights were subordinate to those of her husband. While the current versions of these statutes have largely eliminated these differences, amending these statutes to make them gender neutral may have unintended consequences. It may be worth considering a more substantive revision or repeal of some of these sections.

LB943 was indefinitely postponed at the end of the 2016 session.

**LB944 (Hansen) Change terminology relating to parentage and marital relationships**  
*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB944 would have changed several statutory references from “father” and “mother” to “parents.”

Section 1 would amend § 28-702 to change the references from “brothers and sisters” to “siblings” and a reference to “nieces” and “nephews” to “children of their siblings.”

Sections 6 and 7 would amend §§ 43-104 and 43-105 to add “biological” to certain references to mothers and fathers in a section regarding adoption.

Section 8 would amend § 43-292 to permit the termination of parental rights between parents and a juvenile, but removes the reference to “the mother of a juvenile born out of wedlock.”

Section 21 would amend § 71-628 to change “paternity” to “parentage” in regards to changing birth certificates.

Section 23 would amend § 71-640.01 to amend the existing presumption of paternity to a presumption of parentage. Sections 24, 25 and 26 add “biological” to certain references to fathers in statutory sections relating to birth certificates.

LB944 was indefinitely postponed at the end of the 2016 session.

**LB947 (Mello) State intent relating to professional or commercial licenses for certain aliens and restrict credential issuance as prescribed**

*(Placed on General File with Judiciary Committee amendment; passed by a 33-11-5 vote on April 13, 2016. Returned by the Governor without approval on April 15, 2016. Passed notwithstanding objections of the Governor by a 31-13-5 vote on April 20, 2016.)*

LB947 amended section 4-111 and 4-112 to add a legislative finding that a person has demonstrated lawful presence for the purpose of obtaining a professional or commercial license by submitting an unexpired employment authorization document and documentation from a federal agency. The bill also amended 38-129 to expand eligibility for credentials under the Uniform Credentialing Act.

A public hearing was held on February 11, 2016. The Committee advanced LB947 to General File with AM2148, a white copy amendment that added one new section to the original bill and added an emergency clause. The Committee amendment was adopted on General File. The bill was further amended with the adoption of AM2899 (Mello) and AM2842 (Murante) on Select File.

LB947 was passed by the Legislature and vetoed by the Governor. The Legislature overrode the Governor's veto.

**LB953 (Kolterman) Provide protection for qualified adults from financial exploitation**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB953 would have provided a process for financial advisors that suspect financial exploitation of a client to refuse to execute a transaction and report the suspected exploitation to an appropriate state agency.

Section 2 defines terms used in LB953. "Agencies" is defined as the Department of Insurance and the Department of Banking and Finance. "Qualified adult" is defined as a person sixty years of age or older. "Qualified individual" is defined as a financial advisor's supervisor. This section also defines financial exploitation, financial advisor, firm, and immediate family member.

Section 3 would permit a financial advisor to notify a supervisor if he or she reasonably believes that financial exploitation has occurred, has been attempted or is being attempted. The supervisor may notify the appropriate agencies and then an immediate family member, legal guardian, conservator, co-trustee, successor trustee, or agent under a power of attorney of the suspected financial exploitation.

LB953 was indefinitely postponed at the end of the 2016 session.

**LB965 (Cook) Provide for expungement of records for persons charged with or found**

**guilty of a crime because of stolen identity or mistaken identity**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

Section 1 would have amended 29-3501 to add section 6 of this bill to the Security, Privacy, and Dissemination of Criminal History Information Act.

Section 5 would have amended 29-3523 to strike subsection (4), regarding expungement of criminal history record information relating to law enforcement error.

Section 6 would have provided new procedures for expungement of records in certain circumstances. Subsection (1) would provide that a person may apply for expungement if he or she was charged with a crime as a result of mistaken identity and found not guilty, or if the conviction is set aside. This section would require the court to hold a hearing to determine if the person's identity was used without permission, and if the person was found not guilty. If so, the court shall order expungement. Subdivision (b) would provide for automatic expungement in cases where the charges are dismissed. Subsection (2) would allow a person whose record is expunged under this section to respond to questions as though they had never been charged. Subsection (3) would require the court to order expungement of all records, at no cost to the petitioner. Records affected by this section include records held by the court, law enforcement, the Department of Correctional Services, the Department of Motor Vehicle, and other government entities. Subsection (4) would require the DMV to expunge records pursuant to this section. Subsection (5) would require the Department of Correctional services and other state and local government entities to expunge records pursuant to this section. Subsection (6) would require insurance companies to expunge records pursuant to this section. Subsection (7) would define the term "mistaken identity" for purposes of this section.

Sections 2, 3, 4, and 7 would have updated internal references; these sections made no substantive changes. Section 8 would have amended 29-3528 to update internal references and to add reference to rules and regulations adopted and promulgated to implement the Act.

Section 9 would have repealed the sections amended by this bill.

LB965 was indefinitely postponed at the end of the 2016 session.

**LB966 (Kintner) Adopt the Refugee Resettlement Agency Indemnification Act**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB966 lists 34 "high-risk" countries for purposes of the bill.

Section 3 would have made a refugee resettlement agency liable to the state or a political subdivision for the cost of prosecution and liable for damages or injuries proximately caused by any criminal acts committed by a refugee from a "high-risk country" relocated to Nebraska within five years of relocation. This section would also require resettlement agencies to demonstrate financial capacity to meet obligations under LB966 of up to \$25,000,000. A failure

to certify this capacity would be punishable by a civil penalty up to \$1,000 per day multiplied by the number of refugees the agency has relocated within the preceding five years.

LB966 was indefinitely postponed at the end of the 2016 session.

**LB971 (Gloor) Change provisions relating to restoration of seized firearms**

*(Placed on General File without Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

LB971 would have amended 29-820 to explicitly state that law enforcement will not return firearms to an owner who is in Emergency Protective Custody or involuntary custody and treatment under the Mental Health Commitment Act. The bill further provided that, upon release from treatment, law enforcement shall return firearms to the owner, but only after a hearing and court order. A public hearing was held on March 3, 2016. The Committee advanced LB971 to General File without amendment; no further action was taken on the bill.

LB971 was indefinitely postponed at the end of the 2016 session.

**LB975 (Kolterman) Adopt the Child Welfare Services Preservation Act**

*(Placed on General File with Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

LB975 would have prohibited the State of Nebraska from taking any action that would materially alter the terms or conditions of a child placing agency's funding, contract or license as a result of the agency's refusal to provide or facilitate child welfare services based on the agency's sincerely held religious beliefs.

The Committee placed LB975 on General File with AM2308, which replaced the original bill.

LB975 was indefinitely postponed at the end of the 2016 session.

**LB976 (Seiler) Change provisions relating to jury sequestration**

*(Withdrawn)*

LB976 would have amended 29-2022 to change provisions relating to jury sequestration.

**LB980 (Morfeld) Change penalty provisions for certain violations relating to or committed by persons experiencing or witnessing a drug overdose**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB980 would have changed penalty provisions for certain violations relating to or committed by

persons experiencing or witnessing a drug overdose.

Section 1 would amend 28-101 to add section 5 of this bill to the Nebraska Criminal Code.

Section 2 would amend 28-401.01 to add section 5 of this bill to the Uniform Controlled Substances Act.

Section 3 would amend 28-416 to change penalties relating to possession of a controlled substance. The bill would provide an exception to the penalty for violating subsection (3) of this section, if section 5 of this bill applies. Currently, 28-416(3) provides that the penalty for possession of a controlled substance other than marijuana or certain synthetic drugs is a **Class IV felony** (0-2 years imprisonment, with 9-12 months post-release supervision; up to \$10,000 fine; or both).

Section 4 would amend 28-441 to change penalties relating to possession of drug paraphernalia. The bill would provide an exception to the penalty for violating this section, if section 5 of this bill applies. Currently, 28-441 provides that the penalty for possession of drug paraphernalia (with intent to use it) is an **infraction**.

Section 5 would create a new section to eliminate the penalty for possession of drugs or drug paraphernalia for a person experiencing or witnessing a drug overdose, in certain circumstances.

Subsection (1) would provide that a person experiencing or witnessing an overdose who is in need of medical assistance “shall not be guilty of” a violation of 28-416(3) or 28-441 if evidence was gained as a result of the overdose and (a) they sought medical assistance as soon as possible, (b) they were the first person to request medical assistance, and (c) they stayed on the scene and cooperated with medics and law enforcement.

Subsection (2) would provide immunity for law enforcement officers and agencies who comply with subsection (1).

Subsection (3) states that this section does not prevent investigation, arrest, and prosecution relating to drug-induced homicide or any other crime.

Subsection (4) would provide immunity for a first responder who administers an opiate antagonist, unless damage or injury was caused by willful or wanton misconduct or gross negligence.

Section 6 would repeal the sections amended by this bill.

- See LB439 (2015) – Sen. Morfeld’s alcohol poisoning bill
- See LB546 (2015) – Sen. Morfeld’s naloxone bill, amended into LB390.

LB980 was indefinitely postponed at the end of the 2016 session.

**LB984 (*Schumacher*) Change provisions relating to mandatory minimum sentencing and sentencing of habitual criminals**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB984 would have created a three-judge panel for mandatory minimum and habitual criminal enhancement sentencing determinations. NOTE: also see LB173 (2015) and LB172 (2015).

Section 1 would amend 28-105, the general penalty provisions of the Nebraska Criminal Code, to add a new subsection (5).

The new subsection would provide that the sentencing judge may convene a three-judge panel if he or she finds that imposing a mandatory minimum sentence would not serve the public interest. If two out of the three judges determine that imposing the mandatory minimum sentence would be inappropriate, the mandatory minimum sentence would be treated as a non-mandatory minimum.

Section 2 would amend 29-2221, the habitual criminal or “three-strikes” statute, by adding a new subsection (2).

The new subsection would provide that a judge may convene a three-judge panel to determine whether or not to impose the penalty enhancement described in subsection (1). If all three judges determine that imposing the “third strike” enhancement would be appropriate, then a sentence that includes the “third strike” enhancement would be imposed.

This section would strike the existing process for sentencing with the “third strike” enhancement.

Section 3 would repeal the sections amended by this act.

LB984 was indefinitely postponed at the end of the 2016 session.

**LB990 (*Davis*) Adopt the Fetal Dignity Protection Act**

*(Placed on General File with Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

The Judiciary Committee advanced LB990 to General File with an amendment, AM2484, that replaced the original bill.

LB990 would have required the Nebraska Department of Health and Human Services to promulgate rules and regulations to ensure facilities dispose of human fetal tissue by burial, cremation or hospital-type incineration. The bill would have created a reporting requirement. Failure to comply with the requirements of LB990 would be a violation of the professional standards of any professional license. This section would authorize the Nebraska Attorney General to seek an injunction to prevent a person violating the requirements of LB990 from performing any procedure that results in the recovery of human fetal tissue. The bill would also have added failure to comply with the requirements of LB990 to the definition of unprofessional conduct in section 38-2021 in the Medicine and Surgery Practice Act.

LB990 was indefinitely postponed at the end of the 2016 session.

### **LB991 (*McCollister*) Redefine crime victim**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB991 would have changed the definition of “victim” for purposes of certain statutes relating to plea agreements.

Section 1 would amend 29-119 to change the definition of the term “victim”, which currently applies to (and would continue to apply to) the following statutes:

- 23-1201: county attorney duties; duty to consult with victim regarding plea agreement, before finalizing plea agreement
- 29-120: county attorney duties when prosecuting certain DUI cases; duty to consult with victim regarding plea agreement, before finalizing plea agreement
- 29-2261: required contents of presentence investigation (PSI) and PSI reports; victim statement to prosecutor or probation officer

The bill would expand the definition of “victim” to include a person who has had a personal confrontation with the offender as the result of:

- third degree assault under 28-310,
- domestic assault under 28-323, or
- third degree sexual assault under 28-320.

Section 2 would repeal the section amended by this act.

This statute, 29-119, was enacted with the passage of LB78 (1983). It has been amended six times, including a change in 2004 to clarify the meaning of “relative” by adding reference to 30-2303; a change in 2006 to add child sexual assault; and a change in 2010 to add child pornography.

LB991 was indefinitely postponed at the end of the 2016 session.

**LB1000 (*Mello*) Require policies relating to body-worn cameras and eyewitness suspect identifications and change provisions relating to grand juries**

*(Placed on General File with Judiciary Committee amendment; passed by a 45-0-4 vote on April 7, 2016.)*

As introduced, LB1000 would have regulated the use of body-worn cameras by law enforcement agencies. A public hearing was held on February 18, 2016. The Judiciary Committee advanced LB1000 to General File with an amendment, AM2704, which was adopted.

AM2704, replaced the original version of the bill. The amendment made changes to the provisions of LB1000, incorporated provisions from LB846, and incorporated provisions from LB1055.

The final version of LB1000 made the following changes:

Sections 1 through 3 included the provisions of LB1000, as amended.

Section 1 would define the following terms for the purposes of this bill: Body-worn camera; Commission; Law enforcement agency; and Peace officer.

Section 2 would require the Crime Commission to develop a model policy on body-worn cameras and make it available to law enforcement agencies. It would also require all law enforcement agencies that use body-worn cameras to either adopt the Crime Commission's model policy or adopt their own policy. If a law enforcement agency adopts its own policy, it could go above and beyond the Crime Commission policy, but it must be consistent with the Crime Commission policy. This section would also require law enforcement agencies to provide their policies, and annual updates to their policies, if any, to the Crime Commission.

Section 3 would include minimal policy requirements in the statute, primarily related to data retention. This would give the Crime Commission the discretion to include greater detail in the model policy.

Section 4 included the provisions of LB846, as amended. The changes incorporated into this bill are different from AM1908, which was the Committee Amendment to LB846. This section required the Crime Commission to distribute a model policy to law enforcement agencies regarding eyewitness identification of suspects; the Crime Commission has already developed a model policy. It would also require all law enforcement agencies to either adopt the Crime Commission's model policy, or adopt their own policy. If a law enforcement agency adopts its own policy, it could go above and beyond the Crime Commission policy, but it must be consistent with the Crime Commission policy. This amendment would not include any policy requirements in statute. This would give the Crime Commission the discretion to include greater detail in the model policy.

Sections 5 through 9 included the provisions of LB1055, as amended. These sections would

change the procedures for grand jury proceedings in cases involving an in-custody death. The changes incorporated into this bill are the same as AM2257, the Judiciary Committee amendment to LB1055.

LB1000 was passed by the Legislature and approved by the Governor.

**LB1007 (Coash) Change and provide provisions relating to protection of vulnerable adults and senior adults**

*(Placed on General File with Judiciary Committee amendment. LB1007 was incorporated into LB934; LB934 passed, LB1007 was indefinitely postponed on April 20, 2016.)*

LB1007 changed provisions relating to protection of vulnerable adults and senior adults. A public hearing was held on February 5, 2016. The Committee advanced the bill with an amendment, AM2116. LB1007 was incorporated into LB934, which was passed by the Legislature and approved by the Governor.

LB1007 was indefinitely postponed at the end of the 2016 session.

**LB1008 (Coash) Provide qualification requirements for guardians ad litem in guardianship, conservatorship, and other protective proceedings**

*(Held in Committee. LB1008 was partially incorporated into LB934; LB934 passed, LB1008 was indefinitely postponed on April 20, 2016.)*

LB1008 would have created standards for guardians ad litem (“GAL”) appointed in probate actions. This bill would not apply to juvenile court actions. LB1008 was incorporated into LB934, which was passed by the Legislature and approved by the Governor.

LB1008, as introduced, made the following changes:

Section 3 would require a GAL to be a licensed attorney and comply with training requirements as determined by the Supreme Court. This section would also require the Supreme Court to promulgate rules for GALs appointed in guardianship, conservatorship and other protective proceedings.

Section 4 would require a GAL to meet with the client within two weeks of appointment and attend all hearings unless excused by the court. This section describes the matters a GAL would be required to investigate and specifically describes the interests the GAL would be required to defend. This section also authorizes the GAL to perform functions relating to these investigations and represent the client’s interests in legal proceedings.

Section 5 would authorize a GAL to obtain, by subpoena if necessary, any report about the condition of the client and information about the client’s business affairs.

Section 6 would require the GAL to make written recommendations to the court at least one week prior to a hearing concerning a guardianship, conservatorship or other protective order.

Section 7 would permit a GAL to request a court order to inspect documents or visit any person with information relevant to carrying out the GAL's responsibilities. Any failure to comply with such an order would be punishable by contempt of court.

Section 8 would authorize a GAL to file any petition or motion the GAL determines to be in the client's best interest.

Section 9 would prohibit the GAL from having direct or indirect physical control of the client or control over the property or affairs of the client.

Section 10 provides that a GAL's appointment begins when appointed by a court and terminates as determined by the court.

Section 11 would authorize a court to assess the cost of an evaluation requested by GAL to the county. The court may, after notice and hearing, assess the cost to the subject of the evaluation.

Section 12, 13, 14 and 15 would incorporate references to new language added in LB1008.

LB1008 was indefinitely postponed at the end of the 2016 session.

**LB1009 (*Williams*) Prohibit transactions involving lookalike substances, provide and change seizure and forfeiture authority, and prohibit conduct as deceptive trade practices**  
*(Placed on General File with Judiciary Committee amendment; passed by a 47-0-2 vote on March 24, 2016)*

A public hearing on LB1009 was held on January 28, 2016. The Judiciary Committee advanced the bill to General File with an amendment, AM1960, which was adopted. As amended, the bill made the following changes:

Section 1 amended 28-101 to add Section 4 of this act to the Nebraska Criminal Code.

Section 2 amended 28-401 to add the term "lookalike substance" to the definition section of the Controlled Substances Act.

Section 3 amended 28-401.01 to add section 4 of this act to the Controlled Substances Act.

Section 4 created a new offense relating to the sale or marketing of a "lookalike substance". The penalty for this offense is a Class IV felony. This section provided an exception; the new offense would not apply to the sale of a "lookalike substance" for use in research authorized by state or federal law.

Section 5 amended 28-1439.02 and Section 6 amended 28-1439.03 to update internal references.

Section 7 amended 28-431 to add “lookalike substances” to the forfeiture statute, and updated internal references accordingly.

Section 8 amended 87-301 to add the term “substance” to the definition section of the Uniform Deceptive Trade Practices Act. The term has the same meaning as “lookalike substance” as defined in Section 2. This section also updated outdated language.

Section 9 amended 87-302 to add “manufacture, production, importation, distribution, promotion, display for sale, offer for sale, attempt to sell, or sale of” a lookalike substance in a deceptive or misleading way to the Uniform Deceptive Trade Practices Act (UDTPA). The penalty for a violation of the UDTPA is a class II misdemeanor, except as otherwise provided; (87-303.08) the penalty for a violation of certain provisions of the UDTPA is a civil penalty of up to \$2,000 (87-303.11).

LB1009 was passed by the Legislature and approved by the Governor.

**LB1010 (*Williams*) Change provisions relating to juvenile court petitions**

*(Placed on General File without Judiciary Committee amendment; passed by a 46-0-3 vote on April 1, 2016.)*

LB1010 amended section 43-261 to eliminate an affidavit requirement. Prior to LB1010, the law required juvenile court petitions to verify factual allegations by affidavit.

LB1010 was passed by the Legislature and approved by the Governor.

**LB1023 (*Ebke*) Require development of treatment protocols for and a needs assessment of committed offenders and correctional facilities**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB1023 would have required the development of treatment protocols for and a needs assessment of committed offenders and correctional facilities.

Section 1 would amend 83-1,135 to add Sections 2 and 3 of the bill to the Nebraska Treatment and Corrections Act.

Section 2 would provide legislative findings regarding the coordination of mental health and substance abuse treatment, and would provide requirements for the Department of Correctional Services (“the Department”) and the Division of Behavioral Health of the Department of Health and Human Services (“HHS”).

Subsection (1) would provide legislative findings regarding the coordination of mental health

and substance abuse treatment.

Subsection (2) would require the Department and HHS to develop protocols to coordinate mental health and substance abuse treatment. The requirement in this subsection would include coordination between particular individuals and entities.

Subsection (3) would provide specific requirements for the protocols required by subsection (2).

Subsection (4) would require the Department to use community-based services during incarceration and at the time of release from incarceration.

Section 3 would provide a reporting requirement and a “sunset clause”.

Subsection (1) would require the Department to submit a needs assessment to the Appropriations Committee by January 1, 2017 and every odd numbered year thereafter.

Subsection (2) would provide specific requirements for the needs assessment required by subsection (1). The requirements in this subsection would include an assessment of programming and staffing needs, and a matrix indicating what programming is available, where it is available, the length of waiting lists for programming, and the number of people affected when programming is not available.

Subsection (3) provides that the requirements of this section would end on January 1, 2023.

Section 4 would repeal the section amended by this bill.

LB1023 was indefinitely postponed at the end of the 2016 session.

**LB1027 (*Morfeld*) Create and provide funding for the Campus Sexual Assault Prevention Grant Program and provide duties for the Attorney General**  
*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB1027 would have created a Campus Sexual Assault Prevention Grant Program.

Section 1 states the purpose and goal of the grant program.

Section 2 outlines the proposed grant application process. Universities and colleges located in Nebraska would be eligible to apply for funds. The applications would be due by October 1st, and the grant cycle would run from January 1 through December 1 each year.

Section 3 provides that the grant program would be administered by the Attorney General, with input from the Crime Commission. This section would require the Attorney General to submit an annual report to the Legislature including a list of grant recipients, programs funded by the grant program, and the outcome of each program.

Section 4 states that it is the intent of the Legislature to appropriate \$500,000 for the grant program.

LB1027 was indefinitely postponed at the end of the 2016 session.

**LB1054 (Hilkemann) Change provisions relating to the DNA Identification Information Act**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB1054 would have allowed the collection of a DNA sample at the time of arrest for individuals accused of committing certain offenses.

Section 1 would amend 29-4103 to define the term “crime of violence” for purposes of the DNA Identification Information Act. The definition would include 21 offenses, and would also include attempt and conspiracy to commit any of those offenses.

Section 2 would amend 29-4106 to provide that a person arrested for a “crime of violence” that was allegedly committed in Nebraska shall have a “DNA sample” collected at the time of arrest, if their DNA is not already available in the DNA sample bank. The terms in quotation marks are defined in 29-4103 (section 1 of the bill). *See note below, regarding constitutional concerns.*

Section 3 would amend 29-4109 to expand the list of circumstances that allow an individual to request removal of their DNA record from the State DNA Data Base. An individual may request removal of their DNA record in certain circumstances: if the person was not charged; if the charges were dismissed with prejudice; if the charges were dismissed and the statute of limitations has expired; if the person was acquitted; or if the conviction was reversed and the case dismissed.

Under the current statute, the State Patrol is required to destroy all DNA records and identifiable information in the data base, and destroy all DNA samples from the person, upon receipt of a written request for expungement and a certified copy of a final court order reversing and dismissing the conviction. *See note, below, regarding the expungement procedures.*

Section 4 would repeal the sections amended by this bill.

NOTES:

Constitutional concerns

*Would the procedure authorized by this bill violate Article I, Section 7 of the Nebraska Constitution or the Fourth Amendment of the US Constitution, by allowing an unreasonable search?*

If the DNA sample is collected by a cheek swab, the procedure would likely not constitute a violation of the Fourth Amendment. However, if the DNA sample is collected by a method that is more invasive than a cheek swab, the procedure may be considered an unreasonable search.

See *Maryland v. King*, 133 S. Ct. 1958 (2013).

#### State Patrol expungement procedures

Currently, the State Patrol is only required to remove DNA information from the record after receipt of a certified copy of a final court order reversing and dismissing the conviction. Certain requests under the provisions added by this bill would not have a court order; this requirement should be amended to address those circumstances.

LB1054 was indefinitely postponed at the end of the 2016 session.

#### **LB1055 (Chambers) Open grand jury proceedings to the public as prescribed and change procedures in cases of death during apprehension by law enforcement officers or while in custody**

*(Placed on General File with Judiciary Committee amendment. LB1055 was incorporated into LB1000; LB1000 passed, LB1055 was indefinitely postponed on April 20, 2016.)*

LB1055 changed procedures relating to grand jury proceedings. A public hearing was held on February 24, 2016. The Committee advanced LB1055 to General File with AM2257. The provisions of LB1055, as amended by AM2257, were incorporated into LB1000, which passed and was approved by the Governor.

LB1055 was indefinitely postponed at the end of the 2016 session, following the passage of LB1000.

#### **LB1056 (Chambers) Adopt the Patient Choice at End of Life Act**

*(Held in Committee; indefinitely postponed on April 4, 2016)*

LB1056 would have adopted the “Patient Choice at End of Life” Act. A public hearing was held on February 24, 2016. The Committee took no further action on the bill. Senator Chambers filed a motion to place the bill on General File pursuant to Rule 3, Section 20(b). The motion was unsuccessful; as a result, the bill was indefinitely postponed.

LB1056 included the following provisions:

Section 1 would designate the sections of this bill as the “Patient Choice at End of Life” Act.

Section 2 would define the following terms for purposes of the Act:

- Adult
- Aid-in-dying medication
- Attending physician
- Capacity to make medical decisions
- Consulting physician
- Health care facility

- Health care provider (or “provider”)
- Informed decision
- Mental health specialist
- Mental health specialist assessment
- Physician
- Qualified individual
- Self-administer
- Terminal illness

Section 3 would state the conditions under which a person may request a prescription for “aid-in-dying medication”.

Section 4 would provide procedures for requesting a prescription for “aid-in-dying medication”.

Section 5 would provide a process for rescinding a request for a prescription for “aid-in-dying medication”.

Section 6 would state requirements for an “attending physician” to complete before prescribing “aid-in-dying medication”.

Section 7 would state requirements for a “consulting physician” that must be completed before an “attending physician” may prescribe “aid-in-dying medication”.

Section 8 would state requirements for a “mental health specialist” following a referral from a physician pursuant to section 6 or section 7 of the Act.

Section 9 would state requirements for dispensing “aid-in-dying medication”.

Section 10 would explicitly state that medical services provided under the Act shall meet or exceed the standard of care for end-of-life medical care, and would require a physician to inform a terminally ill patient of all available options related to his or her care.

Section 11 would provide form language to be used in a request for “aid-in-dying medication” pursuant to section 4.

Section 12 would provide that, if an individual chooses to use “aid-in-dying medication”, he or she must self-administer the medication, and would explicitly state that no other person may administer such medication to the individual.

Section 13 would provide that the certificate of death for a person who complies with the Act shall list the individual’s underlying terminal illness as the cause of death.

Section 14 would provide requirements for documents to be included in the medical record of a qualified individual.

Section 15 would state that a provision in a contract, will, or other agreement that would affect an individual's ability to make or rescind a request for aid-in-dying medication is void. This section would also prohibit any contractual obligations conditioned upon an individual's decision to make or rescind a request for aid-in-dying medication.

Section 16 would state that insurance and health care policies may not be conditioned upon or affected by a person's decision to make or request aid-in-dying medication.

Section 17 would provide protection from civil or criminal liability or professional disciplinary action for acts in compliance with the Act. This section would also explicitly state particular "health care provider" actions that are prohibited or allowed under the Act.

Section 18 would create new criminal offenses, and would explicitly state that the Act does not limit civil liability for negligence or for intentional misconduct, and does not limit criminal liability under other provisions of law. Under this section, a person who commits any of the following acts would be guilty of a Class III felony:

- Knowingly and intentionally alters or forges a written request for aid-in-dying medication for another person without his or her authorization
- Knowingly and intentionally conceals or destroys a rescission of a request for aid-in-dying medication with the intent of causing the death of such other person
- Knowingly and intentionally coerces or exerts undue influence on another person to request aid-in-dying medication or destroy or conceal a rescission of such a request

Section 19 would explicitly state that the Act does not authorize ending an individual's life by "lethal injection, mercy killing, or active euthanasia" and the Act does not constitute "suicide, assisted suicide, mercy killing, homicide, or elder abuse".

Section 20 would require the Department of Health and Human Services to review records maintained pursuant to section 14, and adopt and promulgate rules and regulations establishing reporting requirements for physicians and pharmacists pursuant to the Act.

Section 21 would provide a severability clause.

LB1056 was indefinitely postponed on April 4, 2016.

### **LB1058 (*Crawford*) Change provisions relating to enforcement of certain tobacco restriction provisions**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

Section 1 would have amended 28-1419 to add cigars to a list of tobacco products for purposes of a criminal offense. Anyone who provides tobacco products to a minor under the age of 18 under this section is guilty of a Class III misdemeanor.

The bill would add a new subsection (2) to allow peace officers or private contractors to hire 14

to 18 year-olds to assist with compliance checks. Subdivision (a) provides that the use of interns or volunteers would be allowed. This section would not allow the use or consumption of tobacco products by individuals under the age of 18. Subdivision (b) would state requirements for compliance checks conducted by private contractors. Subdivision (c) would state that a person under the age of 18 acting in accordance with this subsection would not be in violation of 28-1427.

Section 2 would amend 28-1427, to explicitly add an exception for a person under the age of 18 who is authorized to obtain tobacco products under 28-1419 as part of a compliance check.

Section 3 would repeal the sections amended by this act.

NOTE: This language is similar to 53-1,122 (the statute authorizing law enforcement officers to work with individuals under the age of 21 to conduct alcohol compliance checks).

LB1058 was indefinitely postponed at the end of the 2016 session.

**LB1072 (*Haar*) Adopt the Fair Repair Act and provide a penalty**  
*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB1072 would have adopted the “Fair Repair Act.” A public hearing was held on February 25, 2016; the Committee took no further action on the bill.

Section 1 would provide a title for the “Fair Repair Act”, presumably to apply to the sections created by this bill.

Section 2 would define the following terms for the purposes of the Fair Repair Act:

- Authorized repair provider
- Embedded software
- Equipment
- Fair and reasonable terms
- Firmware
- Independent repair provider
- Motor vehicle
- Motor vehicle dealer
- Motor vehicle manufacturer
- Original equipment manufacturer
- Owner
- Part
- Trade secret

Section 3 would state requirements for purposes of the Fair Repair Act.

Subsection (1) would require “original equipment manufacturers” of “equipment” sold and used

in this state to provide diagnostic and repair documents to any “individual repair provider” or “owner” for no charge, or make the documents available for purchase.

Subsection (2) would provide that an “original equipment manufacturer” that sells diagnostic and repair documents in a standardized manner cannot require an “authorized repair provider” to continue purchasing those documents in a proprietary format.

Subsection (3) would require an “original equipment manufacturer” to offer diagnostic repair tools for sale to “owners” and “independent repair providers” for “fair and reasonable terms”. Providing documents to an aftermarket diagnostic tool manufacturer would satisfy this requirement.

Subsection (4) seems to provide that “equipment” from an “original equipment manufacturer” that is sold or used in this state for security-related functions may not exclude diagnostic and repair documentation needed to reset a security-related function...but also seems to provide that the documents “shall be obtained” even if they are excluded.

Section 4 states that nothing in the Act shall be construed to require an “original equipment manufacturer” to divulge a “trade secret”.

Section 5 seems to provide that no provision in the Act abrogates an agreement between an “authorized repair provider” and an “original equipment manufacturer”...except any provision in an agreement that purports to avoid compliance with this section is void.

Section 6 provides that nothing in the Act shall be construed to require an “original equipment manufacturer” or “authorized repair provider” to give an “owner” or “independent repair provider” access to nondiagnostic and repair documentation.

Section 7 would state that nothing in the Act applies to “motor vehicle manufacturers”, any of their products or services, or any “motor vehicle dealers”.

Section 8 would provide a criminal penalty for violations of the Act; a Class V misdemeanor.

LB1072 was indefinitely postponed at the end of the 2016 session.

### **LB1075 (*Schilz*) Change provisions of the Disposition of Personal Property Landlord and Tenant Act**

*(Placed on General File without Judiciary Committee amendment; passed by a 48-0-1 vote on April 1, 2016.)*

Prior to LB1075, the law required a landlord to sell abandoned property reasonably believed to be valued at more than \$1,000 and remit the proceeds not claimed by the former tenant to the State Treasurer after deducting expenses. LB1075 increased this threshold to \$2,000.

LB1075 was passed by the Legislature and approved by the Governor.

**LB1079 (*Pansing Brooks*) Redefine law enforcement agency and change provisions relating to law enforcement officer jurisdiction**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LB1079 would have changed provisions relating to law enforcement officer jurisdiction and would have redefined the term “law enforcement agency”.

Section 1 would amend 28-359 to change the definition of “law enforcement agency” for purposes of the Adult Protective Services Act (28-348 through 28-387). Section 2 of the bill would apply this definition to 29-215, as amended.

As amended, the term “law enforcement agency” would include the police department of an agency or department of this state, in addition to the municipal police departments, county sheriffs, and the Nebraska State Patrol.

Section 2 would amend 29-215 to expand the power and authority of law enforcement officers outside their primary jurisdiction. *See note, below.*

Currently, subsection (1) limits the power and authority of a law enforcement officer to his or her primary jurisdiction. Subsection (2) provides that an officer may exercise the same power and authority *outside* his or her primary jurisdiction in the same manner as in his or her primary jurisdiction, in certain circumstances, described in subdivisions (a) through (d).

The bill would add a new subdivision (e) to provide that a law enforcement officer who is “on duty performing law enforcement responsibilities” and working for any law enforcement agency may exercise the same power and authority outside his or her primary jurisdiction in the same manner as in his or her primary jurisdiction.

Section 3 would amend 81-1401 to change the definition of “law enforcement agency” for purposes of sections 81-1401 through 81-1414.01.

As amended, the term “law enforcement agency” would include the police department of an agency or department of this state, in addition to the municipal police departments, county sheriffs, and the Nebraska State Patrol.

Section 4 would repeal the sections amended by this bill.

LB1079 was indefinitely postponed at the end of the 2016 session.

**LB1090 (Hansen) Require notification of law enforcement by the Nebraska State Patrol of denials of handgun certificates as prescribed**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

Section 1 would have amended 69-2402, to define the term “prohibited possessor” as follows: “Prohibited possessor” means a potential purchaser, lessee, renter, or transferee of a handgun who is prohibited from purchasing or possessing a handgun under state or federal law

Section 2 would provide new language regarding law enforcement notification requirements when a “prohibited possessor” attempts to purchase a firearm.

Subsection (1) provides that when the State Patrol notifies a licensee that a person requesting a certificate for a firearm purchase is a “prohibited person”, this section would require the State Patrol to also notify the Attorney General, the US Attorney, state and local law enforcement agencies, and county attorneys who have jurisdiction over the relevant area.

Subsection (2) would describe what information to include in the notification.

Subsection (3) would require the State Patrol to make the notification required in subsection (1) within 24 hours.

Subsection (4) would require state and local law enforcement agencies to submit an annual report to the State Patrol. The information to include in the report is described in subdivisions (a) through (d).

Subsection (5) would require county attorneys to submit an annual report to the State Patrol. The information to include in the report is described in subdivisions (a) through (e).

Subsection (6) would require the Attorney General to submit an annual report to the State Patrol. The information to include in the report is described in subsection (5).

Subsection (7) would require the State Patrol to publish an annual written report. The information to include in the report is described in subdivisions (a) through (h).

Section 3 would amend 69-2409.01 to incorporate section 2.

Section 4 would amend 69-2421 to provide a penalty for a firearms importer, manufacturer, or dealer who sells a handgun in violation of Section 2 of this bill. The penalty would be a Class IV felony.

Section 5 would amend 69-2422 to incorporate section 2.

Section 6 would amend 69-2424 to require the State Patrol to adopt and promulgate rules and regulations to carry out section 2 of this bill.

Section 7 would amend 69-2425 to incorporate section 2.

Section 8 would repeal the sections amended by this bill.

LB1090 was indefinitely postponed at the end of the 2016 session.

**LB1094 (*Judiciary Committee*) Change provisions relating to evidence, sentencing, certain criminal penalties, criminal mischief, assault, theft, forgery, probation, parole, and the Inspector General of the Nebraska Correctional System**

*(Placed on General File with Judiciary Committee amendment; passed by a 47-0-2 vote on April 13, 2016.)*

LB 1094 was introduced by the Judiciary Committee in 2016 as a “clean up” bill to LB 605 (2015), which enacted the changes recommended by the Council of State Governments Justice Center (CSG) as part of Phase One of the Justice Reinvestment Initiative (JRI). Nebraska is currently receiving technical assistance from CSG for Phase Two of JRI, which is the implementation phase. The primary purpose of LB 1094 was to assist with the smooth implementation of Justice Reinvestment in Nebraska. The bill did not make any substantive shift in the course of the JRI policies.

A public hearing was held on February 4, 2016, and the Committee advanced the bill with AM2337. On General File, AM2337 was adopted. AM2721 (Bolz) was also adopted on General File. AM2721 incorporated provisions from LB910, the “clean-up” bill from LB598 (2015). AM2845 (Seiler) was adopted on Select File. AM2845 clarified provisions relating to probation and parole.

LB 1094 addressed a few areas where some “clean-up” was needed to assist with the implementation of LB605:

- Clarify the process for responding to probation violations, which included:
  - clarifying terms and defining new terms;
  - clarifying the procedures for imposing custodial sanctions for probationers;
  - distinguishing between misdemeanor and felony probation processes;
  - distinguishing the process for probation revocation hearings from the process for custodial sanctions hearings; and
  - clarifying when a hearing is required before a custodial sanction may be imposed.
- Clarify the procedures for custodial sanctions for parolees, by clarifying terms and defining a new term.
- Clarify the distinction between parole and post-release supervision, and eliminate the possibility of overlap.
- Update several penalties, to clarify language and to eliminate inconsistencies inadvertently created by LB 605.
- Restore the possibility of jail time as a condition of felony probation, in limited circumstances, and clarify that work release is an option for individuals serving jail sanctions, when appropriate.
- Several “technical changes”, including:
  - clarifying when the changes are intended to apply retroactively, and when they are not;

- changing report requirement dates to align with the fiscal year, and changing a deadline to ensure smooth implementation of changes; and
- several changes to update internal references.

The final version of LB 1094 also included six sections that were originally introduced as LB 910 (2016). These sections clarified provisions relating to the Parole Board, Parole Administration, and Department of Correctional Services, and were not directly a result of the JRI process.

LB1094 was passed by the Legislature and approved by the Governor. The bill was signed on April 19, 2016, and took effect on April 20, 2016.

**LB1097 (*Morfeld*) Change provisions relating to sexual assault forensic testing**

*(Held in Committee. LB1097 was partially incorporated into LB843; LB843 passed, LB1097 was indefinitely postponed on April 20, 2016.)*

LB1097 changed provisions relating to the testing of forensic medical examinations conducted in relation to a sexual assault investigation. A public hearing was held on February 18, 2016. LB1097 was amended into LB843, which was passed by the Legislature and approved by the Governor.

LB1097 was indefinitely postponed at the end of the 2016 session.

**LB1098 (*Morfeld*) Increase legal services fees as prescribed**

*(Placed on General File with/without Judiciary Committee amendment; passed by a 40-0-9 vote on April 7, 2016.)*

Under section 33-107.01, a legal services fee is taxed as a cost in all actions except small claims cases. LB1098 increased the legal services fee from \$5.25 to \$6.25. The funds collected are remitted to the Legal Aid and Services Fund to be distributed by the Commission on Public Advocacy to provide civil legal services to eligible low-income persons.

LB1098 was passed by the Legislature and approved by the Governor.

**LB1103 (*Schumacher*) Change provisions relating to medicaid reimbursements, provide for a lien, and change estate procedures**

*(Placed on General File with Judiciary Committee amendment; indefinitely postponed on April 20, 2016)*

LB1103 would have changed provisions relating to Medicaid reimbursements. A public hearing was held on February 3, 2016. The Committee advanced LB1103 with an amendment, AM2394, which replaced the original bill. Following extensive debate on General File, AM2394 was not adopted.

LB1103 was indefinitely postponed at the end of the 2016 session.

**LB1106 (Garrett) Change forfeiture provisions as prescribed**

*(Placed on General File with Judiciary Committee amendment; passed by a 38-8-3 vote on April 13, 2016.)*

LB1106 changed provisions relating to asset forfeiture. A public hearing was held on February 10, 2016. The Committee placed LB1106 on General File with AM2389, which incorporated the report requirements from LB1108. On Select File the bill was further amended with the adoption of AM2840 (Garrett) and AM2920 (Mello).

LB1106 was passed by the Legislature and approved by the Governor.

**LB1108 (Garrett) Require reporting to the Auditor of Public Accounts and the Legislature regarding civil forfeiture proceedings**

*(Held in Committee. LB1108 was incorporated into LB1106; LB1106 passed, LB1108 was indefinitely postponed on April 20, 2016.)*

LB1108 required reports to the Auditor of Public Accounts and the Legislature regarding forfeiture proceedings. A public hearing on LB1108 was held on February 10, 2016. The Committee incorporated LB1108 into LB1106, and took no further action on LB1108.

LB1108 was indefinitely postponed at the end of the 2016 session.

**LR389CA (Harr) Constitutional amendment to remove provisions regarding marriage from the Constitution of Nebraska**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LR389CA would have placed a constitutional amendment on the ballot in November 2016 to repeal Article I, section 29 of the Nebraska Constitution. This section prohibits the recognition of a same sex civil union, domestic partnership or same-sex relationships in Nebraska, and was effectively invalidated by the United States Supreme Court in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015).

A public hearing was held on January 27, 2016; the Committee took no further action on the resolution.

LR389CA was indefinitely postponed at the end of the 2016 session.

**LR398CA (*Bloomfield*) Constitutional amendment to provide for election of judges and eliminate the merit plan for selection of judges**

*(Held in Committee; indefinitely postponed on April 20, 2016)*

LR398CA would have repealed Sections 21 and 26 of Article V of the Nebraska Constitution. The resolution would also add a new subsection to Section 20 that would require the Legislature to provide for the election of judges.

Section 21 creates the merit selection plan for judges. This system provides that a nominating commission sends at least two nominees for the Governor to appoint a judge to fill a vacancy. All judges are subject to a retention election three years after appointment and every six years thereafter. This section would have been repealed by LR398CA.

A public hearing was held on March 2, 2016; the Committee took no further action on the resolution.

LR398CA was indefinitely postponed at the end of the 2016 session.

### 2015 Interim Study Resolutions

LR38	Seiler	Interim study to examine statutes governing prisons and parole to ensure the Board of Parole is independent from the Dept. of Correctional Services
LR39	Seiler	Interim study to examine certain acts to ensure the evaluation procedures regarding potentially mentally ill and dangerous inmates and potentially dangerous sex offenders are clear and consistent
LR186	Morfeld	Interim study to examine state services available to victims of human trafficking in Nebraska
LR211	McCoy	Interim study to examine synthetic recreational drugs that are marketed and sold as incense
LR232	Howard	Interim study to examine the process by which a person changes his or her name
LR244	Harr	Interim study to examine the salaries of all judges in Nebraska, including the history of adjusting these salaries
LR252	Judiciary Committee	Interim study to examine court costs and fees in Nebraska
LR261	Mello	Interim study to examine implementing the use of body cameras for state and local law enforcement in Nebraska
LR265	Davis	Interim study to examine minor traffic violation, adult, and juvenile pretrial diversion programs authorized by counties and municipalities
LR276	Pansing Brooks	Interim study to examine bullying by and against students and youth
LR279	Seiler	Interim study to examine issues under the jurisdiction of the Judiciary Committee
LR286	Garrett	Interim study to examine the effectiveness of civil forfeiture under the Uniform Controlled Substances Act
LR295	Bolz	Interim study to examine how to improve behavioral health and mental health services in Nebraska in order to prevent crime and reduce costs associated with the incarceration of people who have heightened behavioral and mental health needs
LR311	Harr	Interim study to examine Second Chances, the operating while intoxicated jail diversion program in Iowa, to determine whether the program would be workable in Nebraska
LR320	Murante	Interim study to examine the membership, role, and duties of the Nebraska Police Standards Advisory Council
LR389CA	Harr	Constitutional amendment to remove provisions regarding marriage from the Constitution of Nebraska
LR398CA	Bloomfield	Constitutional amendment to provide for election of judges and eliminate the merit plan for selection of judges

## 2016 Interim Study Resolutions

LR506	Seiler	Interim study to examine the efficacy of testing and monitoring programs, particularly the 24/7 sobriety program, in reducing recidivism for driving under the influence and controlled substance offenses
LR518	Hadley	Interim study to review issues surrounding child custody proceedings and parenting time determinations as they pertain to families of divorce
LR525	Seiler	Interim study to examine issues associated with treating an individual licensed under the Nebr. Real Estate License Act as a professional for purposes of civil actions for professional negligence
LR527	Schumacher	Interim study to examine possible legislative reforms to Nebraska's mandatory minimum sentencing laws
LR532	Bolz	Interim study to evaluate the effectiveness and success of the Office of Violence Prevention
LR543	Hansen	Interim study to examine possible legislative reforms to Nebraska laws relating to birth certificates
LR546	Garrett	Interim study to examine whether Nebraska's occupational licensing boards are exposed to liability under antitrust laws
LR549	Garrett	Interim study to examine issues relating to utilization of the U visa program in Nebraska
LR550	Schumacher	Interim study to examine the feasibility of creating a common data collection site for county jail information necessary to receive funding under the County Justice Reinvestment Grant Program
LR560	Krist	Interim study to examine the origins and utility of using court fees as a source of funding in Nebraska
LR561	Krist	Interim study to examine the effectiveness, economic stability, and long-term viability of the Youth Rehabilitation and Treatment Center in Kearney and the Youth Rehabilitation and Treatment Center in Geneva
LR566	Pansing Brooks	Interim study to examine the availability of education, rehabilitation, and reentry support for incarcerated men and women
LR568	Pansing Brooks	Interim study to examine the membership, role, and duties of the Nebraska Police Standards Advisory Council
LR576	Pansing Brooks	Interim study to examine children's access to legal counsel in juvenile proceedings across the state of Nebraska
LR578	Coash	Interim study to examine the Developmental Disabilities Court-Ordered Custody Act
LR584	Morfeld	Interim study to examine the possibility of providing direct and statewide funding for legal representation in order to provide more equitable access to civil justice in Nebraska
LR589	Seiler	Interim study to examine issues within the jurisdiction of the Judiciary Committee