

ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015
COMMITTEE STATEMENT
LB482

Hearing Date: Wednesday February 25, 2015
Committee On: Judiciary
Introducer: Krist
One Liner: Change provisions relating to juveniles

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Chambers, Coash, Ebke, Krist, Morfeld, Pansing Brooks, Seiler, Williams

Nay:

Absent:

Present Not Voting:

Verbal Testimony:

Proponents:

SEN. BOB KRIST
DENNIS MARKS
JULIET SUMMERS
ANNE HOBBS
JERRY DAVIS
MELANIE WILLIAMS-SMOTHERMAN
ROBIN QUARLES

Representing:

INTRODUCER
NEBRASKA CRIMINAL DEFENSE ATTORNEYS
VOICES FOR CHILDREN
UNO JUVENILE JUSTICE INSTITUTE
BOYS TOWN
FAMILY ADVOCACY MOVEMENT
SELF

Opponents:

SHAKIL MALIK

Representing:

NEBRASKA COUNTY ATTORNEYS

Neutral:

THOMAS MCBRIDE

Representing:

NEBRASKA JUVENILE JUSTICE ASSOCIATION

Summary of purpose and/or changes:

LB482 contains a number of provisions relating to juveniles under the jurisdiction of the juvenile court.

Section 1 would prohibit juveniles under 43-247(3)(b) from being placed in a juvenile detention facility. This section also clarifies that a "staff secure" wing at a juvenile detention facility must fully comply with the requirements of 83-4,125(3) for staff secure juvenile facilities.

Section 1 also prohibits the placement of a juvenile under (3)(b) to be 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.

Section 2 of LB482 authorizes a peace officer to refer a child that has not committed a criminal offense but appears to be a juvenile under (3)(b) who needs assistance to a clinically credentialed community-based provider for immediate intervention or services.

Section 3 defines "instruments of restraint" and prohibits their use on a juvenile during a court proceeding unless the court holds a hearing and makes findings of fact that their use is necessary. Instruments of restraint are defined as handcuffs, chains, irons or straitjackets. Section 3 lists factors that make the use of restraints necessary:

to prevent physical harm to the juvenile or another person

the juvenile has a history of disruptive courtroom behavior that has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm on himself or herself or others as evidenced by recent behavior.

there is a reasonable belief that the juvenile presents a substantial risk of flight from the courtroom.

Section 4 would prohibit taking the fingerprints of a juvenile under (3)(b).

Section 5 would require a county attorney to make reasonable efforts to refer a juvenile and family to available community-based resources prior to filing a petition as to a juvenile under (3)(b). The county attorney's failure to describe the efforts in the petition would be a defense to adjudication.

Explanation of amendments:

AM691 replaces Section 3 and clarifies the procedure for the use of restraints in juvenile court.

Les Seiler, Chairperson