

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 940

Introduced by Pansing Brooks, 28.

Read first time January 13, 2020

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend
2 section 43-2,108.01, Revised Statutes Supplement, 2019; to change
3 provisions relating to sealing of juvenile records; and to repeal
4 the original section.

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

1 Section 1. Section 43-2,108.01, Revised Statutes Supplement, 2019,
2 is amended to read:

3 43-2,108.01 (1) Sections 43-2,108.01 to 43-2,108.05 apply only to
4 persons who were under the age of eighteen years when the offense took
5 place and, after being taken into custody, arrested, cited in lieu of
6 arrest, or referred for prosecution without citation, the county attorney
7 or city attorney:

8 (a) Declined to file a juvenile petition or criminal complaint;

9 (b) Offered juvenile pretrial diversion, mediation, or restorative
10 justice to the juvenile under the Nebraska Juvenile Code;

11 (c) Filed a juvenile court petition describing the juvenile as a
12 juvenile described in subdivision (1), (2), (3)(b), or (4) of section
13 43-247;

14 (d) Filed a criminal complaint in county court against the juvenile
15 under state statute or city or village ordinance for misdemeanor or
16 infraction possession of marijuana or misdemeanor or infraction
17 possession of drug paraphernalia;

18 (e) Filed a criminal complaint in county court against the juvenile
19 for any other misdemeanor or infraction under state statute or city or
20 village ordinance, other than for a traffic offense, when all offenses in
21 the case are waiveable offenses; or

22 (f) Filed a criminal complaint in county or district court for a
23 felony offense under state law or a city or village ordinance that was
24 subsequently transferred to juvenile court for ongoing jurisdiction.

25 (2) The changes made by Laws 2019, LB354, to the relief set forth in
26 sections 43-2,108.03 to 43-2,108.05 shall apply to all persons described
27 in this section, as amended by Laws 2019, LB354, and this legislative
28 bill, for offenses occurring prior to, on, or after September 1, 2019.

29 Sec. 2. Original section 43-2,108.01, Revised Statutes Supplement,
30 2019, is repealed.