

AMENDMENTS TO LB568

(Amendments to Standing Committee amendments, AM264)

Introduced by Groene, 42.

1 1. Strike amendment 1 and insert the following new amendment:

2 1. Strike the original sections and all amendments thereto and  
3 insert the following new sections:

4 Section 1. Section 43-245, Revised Statutes Cumulative Supplement,  
5 2020, is amended to read:

6 43-245 For purposes of the Nebraska Juvenile Code, unless the  
7 context otherwise requires:

8 (1) Abandonment means a parent's intentionally withholding from a  
9 child, without just cause or excuse, the parent's presence, care, love,  
10 protection, and maintenance and the opportunity for the display of  
11 parental affection for the child;

12 (2) Age of majority means nineteen years of age;

13 (3) Alternative to detention means a program or directive that  
14 increases supervision of a youth in the community in an effort to ensure  
15 the youth attends court and refrains from committing a new law violation.  
16 Alternative to detention includes, but is not limited to, electronic  
17 monitoring, day and evening reporting centers, house arrest, tracking,  
18 family crisis response, ~~and temporary shelter placement, and restricting~~  
19 driving privileges to school, school activities, and work. Except for the  
20 use of manually controlled delayed egress of not more than thirty  
21 seconds, placements that utilize physical construction or hardware to  
22 restrain a youth's freedom of movement and ingress and egress from  
23 placement are not considered alternatives to detention;

24 (4) Approved center means a center that has applied for and received  
25 approval from the Director of the Office of Dispute Resolution under  
26 section 25-2909;

1 (5) Civil citation means a noncriminal notice which cannot result in  
2 a criminal record and is described in section 43-248.02;

3 (6) Cost or costs means (a) the sum or equivalent expended, paid, or  
4 charged for goods or services, or expenses incurred, or (b) the  
5 contracted or negotiated price;

6 (7) Criminal street gang means a group of three or more people with  
7 a common identifying name, sign, or symbol whose group identity or  
8 purposes include engaging in illegal activities;

9 (8) Criminal street gang member means a person who willingly or  
10 voluntarily becomes and remains a member of a criminal street gang;

11 (9) Custodian means a nonparental caretaker having physical custody  
12 of the juvenile and includes an appointee described in section 43-294;

13 (10) Guardian means a person, other than a parent, who has qualified  
14 by law as the guardian of a juvenile pursuant to testamentary or court  
15 appointment, but excludes a person who is merely a guardian ad litem;

16 (11) Juvenile means any person under the age of eighteen;

17 (12) Juvenile court means the separate juvenile court where it has  
18 been established pursuant to sections 43-2,111 to 43-2,127 and the county  
19 court sitting as a juvenile court in all other counties. Nothing in the  
20 Nebraska Juvenile Code shall be construed to deprive the district courts  
21 of their habeas corpus, common-law, or chancery jurisdiction or the  
22 county courts and district courts of jurisdiction of domestic relations  
23 matters as defined in section 25-2740;

24 (13) Juvenile detention facility has the same meaning as in section  
25 83-4,125;

26 (14) Legal custody has the same meaning as in section 43-2922;

27 (15) Mental health facility means a treatment facility as defined in  
28 section 71-914 or a government, private, or state hospital which treats  
29 mental illness;

30 (16) Nonoffender means a juvenile who is subject to the jurisdiction  
31 of the juvenile court for reasons other than legally prohibited conduct,

1 including, but not limited to, juveniles described in subdivision (3)(a)  
2 of section 43-247;

3 (17) Parent means one or both parents or stepparents when the  
4 stepparent is married to a parent who has physical custody of the  
5 juvenile as of the filing of the petition;

6 (18) Parties means the juvenile as described in section 43-247 and  
7 his or her parent, guardian, or custodian;

8 (19) Physical custody has the same meaning as in section 43-2922;

9 (20) Except in proceedings under the Nebraska Indian Child Welfare  
10 Act, relative means father, mother, grandfather, grandmother, brother,  
11 sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt,  
12 first cousin, nephew, or niece;

13 (21) Restorative justice means practices, programs, or services that  
14 emphasize repairing the harm caused to victims and the community by  
15 persons who have caused the harm or committed an offense. Restorative  
16 justice practices may include, but are not limited to, victim youth  
17 conferencing, victim-offender mediation, youth or community dialogue,  
18 panels, circles, and truancy mediation;

19 (22) Restorative justice facilitator means a qualified individual  
20 who has been trained to facilitate restorative justice practices. A  
21 qualified individual shall be approved by the referring county attorney,  
22 city attorney, or juvenile or county court judge. Factors for approval  
23 may include, but are not limited to, an individual's education and  
24 training in restorative justice principles and practices; experience in  
25 facilitating restorative justice sessions; understanding of the necessity  
26 to do no harm to either the victim or the person who harmed the victim;  
27 and proven commitment to ethical practices;

28 (23) Seal a record means that a record shall not be available to the  
29 public except upon the order of a court upon good cause shown;

30 (24) Secure detention means detention in a highly structured,  
31 residential, hardware-secured facility designed to restrict a juvenile's

1 movement;

2 (25) Staff secure juvenile facility means a juvenile residential  
3 facility operated by a political subdivision (a) which does not include  
4 construction designed to physically restrict the movements and activities  
5 of juveniles who are in custody in the facility, (b) in which physical  
6 restriction of movement or activity of juveniles is provided solely  
7 through staff, (c) which may establish reasonable rules restricting  
8 ingress to and egress from the facility, and (d) in which the movements  
9 and activities of individual juvenile residents may, for treatment  
10 purposes, be restricted or subject to control through the use of  
11 intensive staff supervision. Staff secure juvenile facility does not  
12 include any institution operated by the Department of Correctional  
13 Services;

14 (26) Status offender means a juvenile who has been charged with or  
15 adjudicated for conduct which would not be a crime if committed by an  
16 adult, including, but not limited to, juveniles charged under subdivision  
17 (3)(b) of section 43-247 and sections 53-180.01 and 53-180.02;

18 (27) Traffic offense means any nonfelonious act in violation of a  
19 law or ordinance regulating vehicular or pedestrian travel, whether  
20 designated a misdemeanor or a traffic infraction; and

21 (28) Young adult means an individual older than eighteen years of  
22 age but under twenty-one years of age.

23 Sec. 2. Section 43-260.05, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 43-260.05 A juvenile pretrial diversion program may:

26 (1) Provide screening services to the court and county attorney or  
27 city attorney to help identify likely candidates for the program;

28 (2) Establish goals for diverted juvenile offenders and monitor  
29 performance of the goals;

30 (3) Coordinate chemical dependency assessments of diverted juvenile  
31 offenders when indicated, require drug testing, make appropriate

1 referrals for treatment, and monitor treatment and aftercare;

2 (4) Use electronic tracking and monitoring;

3 (5) Restrict driving privileges to school, school activities, and  
4 work;

5 (6) (4) Coordinate individual, group, and family counseling  
6 services;

7 (7) (5) Oversee the payment of victim restitution by diverted  
8 juvenile offenders;

9 (8) (6) Assist diverted juvenile offenders in identifying and  
10 contacting appropriate community resources;

11 (9) (7) Coordinate educational services to diverted juvenile  
12 offenders to enable them to earn a high school diploma or general  
13 education development diploma; and

14 (10) (8) Provide accurate information on how diverted juvenile  
15 offenders perform in the program to the juvenile courts, county  
16 attorneys, city attorneys, defense attorneys, and probation officers.

17 Sec. 3. Original section 43-260.05, Reissue Revised Statutes of  
18 Nebraska, and section 43-245, Revised Statutes Cumulative Supplement,  
19 2020, are repealed.