

2018 SINE DIE UPDATE: JUVENILE JUSTICE LEGISLATION

JULIET SUMMERS, VOICES FOR CHILDREN IN NEBRASKA

CHRIS TRIEBSCH, LEGISLATIVE AIDE – SEN. PANSING BROOKS

CHRISTINE HENNINGSEN, NEBRASKA YOUTH ADVOCATES

NEW LAW

- **LB 1078: (CRAWFORD) REQUIRE INVESTIGATION AND REPORTING BY INSPECTOR GENERAL INTO ALL ALLEGATIONS OF CHILD SEXUAL ABUSE OR ASSAULT OF YOUTH ON PROBATION OR IN PLACEMENT**
 - THE IG INVESTIGATES CASES OF DEATH OR SERIOUS INJURY AND COMPLAINTS IN OUR CHILD-SERVING SYSTEMS
- **LB 990: (WAYNE) CREATE THE OFFENSE OF A PROHIBITED JUVENILE OFFENDER IN POSSESSION OF A FIREARM**
 - ANY JUVENILE ADJUDICATION FOR A FELONY OFFENSE OR MISDEMEANOR OFFENSE OF DOMESTIC VIOLENCE MAKES A JUVENILE A PROHIBITED PERSON UNTIL AGE 25
 - THE YOUTH MUST BE ADVISED BY THE COURT OF THIS POSSIBLE CONSEQUENCE IN ANY JUVENILE CASE THAT MIGHT GIVE RISE TO THE PROHIBITED JUVENILE STATUS
 - POSSESSION OF A FIREARM BY A “PROHIBITED JUVENILE OFFENDER” IS A CLASS IV FELONY FOR A FIRST OFFENSE, AND A CLASS III-A FELONY FOR SUBSEQUENT OFFENSES

NEW LAW

- **LB 670: (KRIST) JUVENILE JUSTICE PACKAGE OF (MOSTLY CLEAN-UP) LEGISLATION**
 - **LB 670: CHANGE MEMBERSHIP AND DUTIES OF THE COALITION FOR JUVENILE JUSTICE**
 - RESPONDS TO NEBRASKA'S WITHDRAWAL FROM TITLE II JUVENILE JUSTICE FUNDING BY EMPHASIZING THE STATE MANDATE FOR THE COALITION, REDUCING REQUIRED MEMBERSHIP, AND MAKING SOME DUTIES DISCRETIONARY
 - **LB 516: CHANGE PROVISIONS RELATING TO A REPORT ON JUVENILE FACILITIES**
 - MODIFIES THE DEFINITION OF ROOM CONFINEMENT TO SPECIFICALLY STATE THAT THE CHILD MUST BE ALONE AND IT DOES NOT MATTER WHETHER OR NOT THE ROOM IS "SUBJECT TO VIDEO OR OTHER ELECTRONIC MONITORING
 - PROVIDES THAT REPORTED DATA SHALL REDACT PERSONAL IDENTIFYING INFORMATION, BUT SHALL PROVIDE INDIVIDUAL, NOT AGGREGATE DATA
 - PROVIDES ENFORCEMENT OF FAILURE TO REPORT THROUGH CHILD-CARING AGENCY LICENSURE AND CRIME COMMISSION DETENTION AND STAFF-SECURE STANDARDS
- **LB 673: CLEAN-UP FROM THE GRADUATED RESPONSE BILL FROM LAST YEAR**
 - PROVIDES THAT IF A CHILD IS DETAINED IN RESPONSE TO A MOTION TO REVOKE PROBATION, THEIR PROBABLE CAUSE HEARING CAN BE DONE IN FRONT OF THEIR JUDGE.

NEW LAW

- **LB 670: (CONTINUED)**
 - **LB 774: CHANGE PEACE OFFICERS' DUTIES REGARDING ENCOUNTERS WITH CERTAIN JUVENILES**
 - ALLOWS LAW ENFORCEMENT TO STREET RELEASE CHILDREN UNDER THE AGE OF 11. (IF THE CHILD IS NOT STREET RELEASED, THEY ARE TO BE DELIVERED TO HHS, NOT TO PROBATION.)
 - ALLOWS LAW ENFORCEMENT TO MAKE REFERRALS TO IMMEDIATE CRISIS INTERVENTION, DE-ESCALATION AND RESPITE CARE PROVIDERS FOR ALL CHILDREN THEY ENCOUNTER, NOT JUST IN RESPONSE TO A STATUS OFFENSE.
 - **LB 826: PROVIDE FOR JURISDICTION TO MAKE FACTUAL FINDINGS UNDER THE UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT**
 - ALLOWS A COURT CONSIDERING INITIAL CUSTODY TO MAKE FACTUAL FINDINGS ABOUT ABUSE, NEGLECT, NONVIABILITY OF REUNIFICATION, AND WHETHER REMOVAL TO A COUNTRY OF ORIGIN WOULD BE IN THE CHILD'S BEST INTEREST

NEW LAW

- **LB 670: (CONTINUED)**

- **LB 1112: CHANGE PROVISIONS RELATING TO PLACEMENT AND DETENTION OF JUVENILES**

- STARTING JULY 1, 2019, SETS OUT PERMISSIBLE RATIONALES FOR SECURE DETENTION AS FOLLOWS:

“A JUVENILE SHALL NOT BE DETAINED UNLESS THE PHYSICAL SAFETY OF PERSONS IN THE COMMUNITY WOULD BE SERIOUSLY THREATENED OR DETENTION IS NECESSARY TO SECURE THE PRESENCE OF THE JUVENILE AT THE NEXT HEARING, AS EVIDENCED BY A DEMONSTRABLE RECORD OF WILLFUL FAILURE TO APPEAR AT A SCHEDULED COURT HEARING WITHIN THE LAST TWELVE MONTHS.”

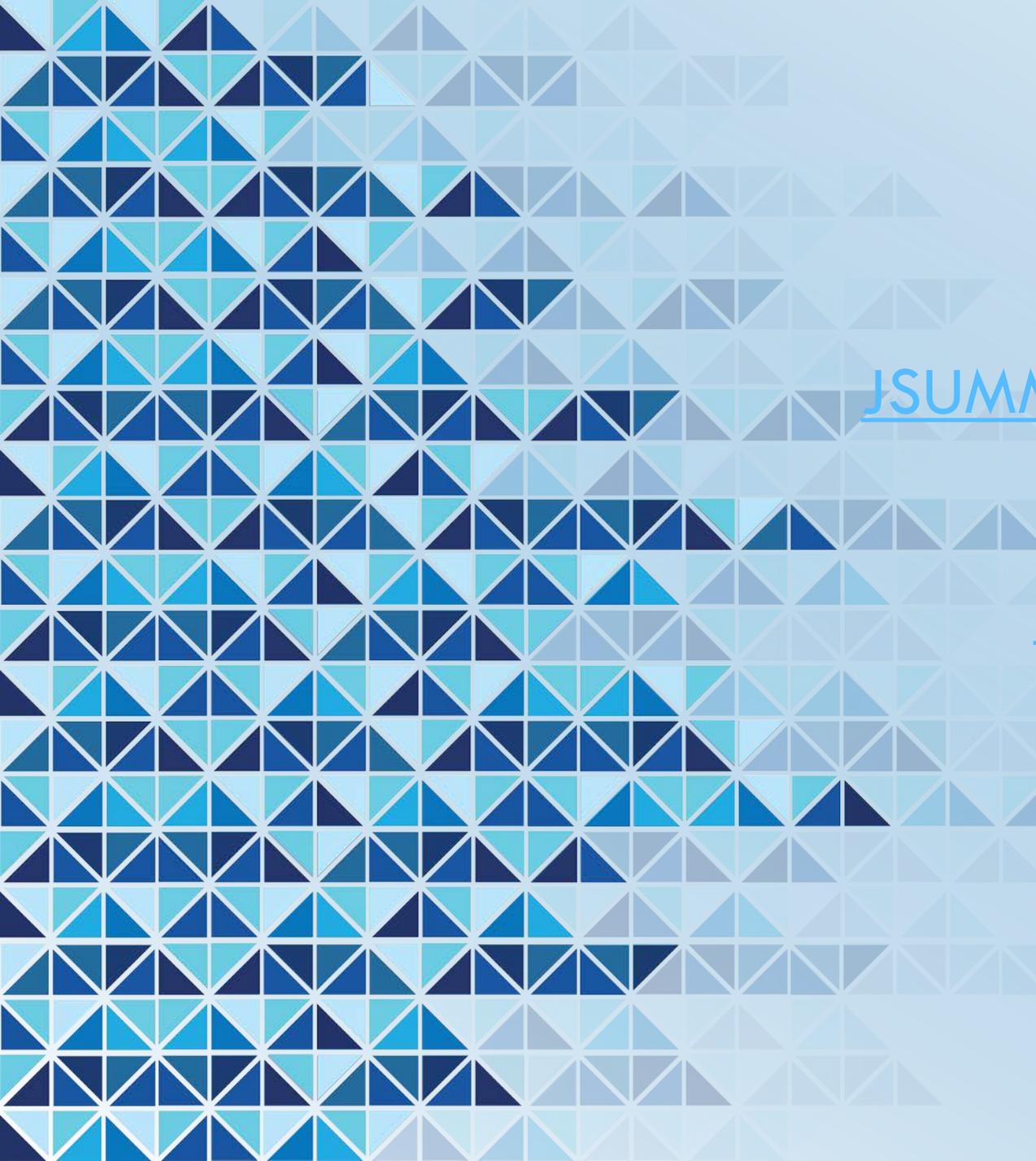
- STARTING JULY 1, 2019, IMPLEMENTS A SPECIFIC LIST OF IMPERMISSIBLE USES OF SECURE DETENTION, INCLUDING:
 - WHEN THE CHILD IS 12 YEARS OLD OR YOUNGER
 - PARENT REFUSAL TO KEEP THE CHILD AT HOME
 - FOR TREATMENT, PUNISHMENT OR REHABILITATION
 - DUE TO LACK OF ALTERNATE APPROPRIATE FACILITIES
- PERMITS USE OF THE STATE COMMUNITY BASED JUVENILE SERVICES AID FUND FOR COUNTIES TO APPLY ONE TIME TO MODIFY A DETENTION FACILITY OR CREATE A NEW ALTERNATIVE TO DETENTION
- REQUIRES JURISDICTIONS APPLYING FOR THE CBJA FUND TO CONSIDER RACIAL AND ETHNIC DISPARITIES IN THEIR COMPREHENSIVE JUVENILE JUSTICE PLANS

DIED

- LB 158: EXTEND AUTOMATIC EARLY APPOINTMENT OF LEGAL COUNSEL IN ALL JUVENILE PROCEEDINGS STATEWIDE
 - **REQUEST FOR ASSISTANCE**
- LB 869: STRENGTHEN JUVENILE RECORD SEALING AND CREATE A CATEGORY OF “ENHANCED” RECORD SEALING AFTER FIVE YEARS HAVE PASSED
- LB 870: RESTRICT ROOM CONFINEMENT OF JUVENILES
- LB 781: ELIMINATE MANDATORY MINIMUMS FOR MINORS SENTENCED IN ADULT COURT
- LB 875: ELIMINATE JUVENILE LIFE WITHOUT PAROLE AS A SENTENCING OPTION
- LB 930: PROHIBIT USE OF JUVENILES’ STATEMENTS MADE IN CUSTODIAL INTERROGATION WITHOUT A PARENT PRESENT

2018 INTERIM STUDY RESOLUTIONS

- LR 377: (LOWE) INTERIM STUDY TO EXAMINE SAFETY AND SECURITY AT THE YOUTH REHABILITATION AND TREATMENT CENTERS
- LR 418: (HOWARD) INTERIM STUDY TO EXAMINE THE DISPROPORTIONALITY THAT EXISTS IN NEBRASKA'S FOSTER CARE AND JUVENILE JUSTICE SYSTEMS
- LR 429: (PANSING BROOKS) INTERIM STUDY TO EXAMINE THE ROLE AND PURPOSE OF SCHOOL RESOURCE OFFICERS IN SCHOOLS
- LR 467: (WAYNE) INTERIM STUDY TO EXAMINE THE NEBRASKA JUVENILE CODE



JULIET SUMMERS

JSUMMERS@VOICESFORCHILDREN.COM

VISIT US AT:

KIDSCOUNTNEBRASKA.COM

VOICESFORCHILDREN.COM