

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1089

Introduced by DeBoer, 10.

Read first time January 09, 2024

Committee:

1 A BILL FOR AN ACT relating to courts; to amend sections 25-1914, 25-3010,
2 29-1920, 29-2207, 29-2258, 29-2262.04, 29-2262.06, 29-2704, 29-4106,
3 29-4121, 33-103, 33-107.01, 33-107.03, 33-126.05, 33-154, 33-155,
4 33-156, 33-157, 43-261, 43-290, 47-633, and 81-1429, Reissue Revised
5 Statutes of Nebraska, sections 24-703, 25-1140.09, 29-1903, 33-106,
6 33-124, 43-254, 43-260.04, 43-272, and 43-2,129, Revised Statutes
7 Cumulative Supplement, 2022, and section 29-2262, Revised Statutes
8 Supplement, 2023; to exempt individuals under nineteen years of age
9 from payment of certain court fees and costs, probation fees, and
10 DNA collection and testing costs; to provide that such individuals
11 are presumed to be indigent for purposes of fees related to criminal
12 discovery; to prohibit recovery of costs and fees in proceedings
13 under the Nebraska Juvenile Code from juveniles and their parents or
14 guardians as prescribed; to change provisions relating to juvenile
15 pretrial diversion programs, appointed counsel, guardians ad litem,
16 and recoupment of certain costs; to prohibit imposition of a fine as
17 a penalty in a juvenile proceeding; to eliminate obsolete
18 provisions; to harmonize provisions; and to repeal the original
19 sections.

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

1 Section 1. (1) Court costs and fees described in subsection (2) of
2 this section shall not be assessed against:

3 (a) A juvenile or the juvenile's parent or guardian in any
4 proceeding under the Nebraska Juvenile Code under subdivision (1), (2),
5 or (3)(b) of section 43-247; or

6 (b) A defendant in a criminal proceeding, for an offense other than
7 a traffic misdemeanor or infraction, which was alleged to have been
8 committed when such defendant was under nineteen years of age, or such
9 defendant's parent or guardian.

10 (2) This section applies to court costs and fees, including, but not
11 limited to, docket or filing fees, appeal bonds or deposits, witness
12 fees, mileage fees, program participation fees, and probation fees, and
13 includes, but is not limited to, any such court costs or fees imposed
14 under any of the following sections: Section 24-703, 25-1140.09, 25-1914,
15 25-3010, 29-1903, 29-2207, 29-2262, 29-2262.04, 29-2262.06, 29-2704,
16 29-4106, 29-4121, 33-103, 33-106, 33-107.01, 33-107.03, 33-124,
17 33-126.05, 33-154, 33-155, 33-156, 33-157, 47-633, or 81-1429.

18 (3) This section does not apply to bail bonds, costs, or fees
19 described in section 29-901.

20 Sec. 2. Section 24-703, Revised Statutes Cumulative Supplement,
21 2022, is amended to read:

22 24-703 (1) Each original member shall contribute monthly four
23 percent of his or her monthly compensation to the fund until the maximum
24 benefit as limited in subsection (1) of section 24-710 has been earned.
25 It shall be the duty of the Director of Administrative Services in
26 accordance with subsection (7) of this section to make a deduction of
27 four percent on the monthly payroll of each original member who is a
28 judge of the Supreme Court, a judge of the Court of Appeals, a judge of
29 the district court, a judge of a separate juvenile court, a judge of the
30 county court, a clerk magistrate of the county court who was an associate
31 county judge and a member of the fund at the time of his or her

1 appointment as a clerk magistrate, or a judge of the Nebraska Workers'
2 Compensation Court showing the amount to be deducted and its credit to
3 the fund. The Director of Administrative Services and the State Treasurer
4 shall credit the four percent as shown on the payroll and the amounts
5 received from the various counties to the fund and remit the same to the
6 director in charge of the judges retirement system who shall keep an
7 accurate record of the contributions of each judge.

8 (2)(a) In addition to the contribution required under subdivision
9 (c) of this subsection, beginning on July 1, 2004, each future member who
10 became a member prior to July 1, 2015, and who has not elected to make
11 contributions and receive benefits as provided in section 24-703.03 shall
12 contribute monthly six percent of his or her monthly compensation to the
13 fund until the maximum benefit as limited in subsection (2) of section
14 24-710 has been earned. After the maximum benefit as limited in
15 subsection (2) of section 24-710 has been earned, such future member
16 shall make no further contributions to the fund, except that (i) any time
17 the maximum benefit is changed, a future member who has previously earned
18 the maximum benefit as it existed prior to the change shall contribute
19 monthly six percent of his or her monthly compensation to the fund until
20 the maximum benefit as changed and as limited in subsection (2) of
21 section 24-710 has been earned and (ii) such future member shall continue
22 to make the contribution required under subdivision (c) of this
23 subsection.

24 (b) In addition to the contribution required under subdivision (c)
25 of this subsection, beginning on July 1, 2004, a judge who became a
26 member prior to July 1, 2015, and who first serves as a judge on or after
27 July 1, 2004, or a future member who became a member prior to July 1,
28 2015, and who elects to make contributions and receive benefits as
29 provided in section 24-703.03 shall contribute monthly eight percent of
30 his or her monthly compensation to the fund until the maximum benefit as
31 limited by subsection (2) of section 24-710 has been earned. In addition

1 to the contribution required under subdivision (c) of this subsection,
2 after the maximum benefit as limited in subsection (2) of section 24-710
3 has been earned, such judge or future member shall contribute monthly
4 four percent of his or her monthly compensation to the fund for the
5 remainder of his or her active service.

6 (c) Beginning on July 1, 2009, a member or judge described in
7 subdivisions (a) and (b) of this subsection shall contribute monthly an
8 additional one percent of his or her monthly compensation to the fund.

9 (d) Beginning on July 1, 2015, a judge who first serves as a judge
10 on or after such date shall contribute monthly ten percent of his or her
11 monthly compensation to the fund.

12 (e) It shall be the duty of the Director of Administrative Services
13 to make a deduction on the monthly payroll of each such future member who
14 is a judge of the Supreme Court, a judge of the Court of Appeals, a judge
15 of the district court, a judge of a separate juvenile court, a judge of
16 the county court, a clerk magistrate of the county court who was an
17 associate county judge and a member of the fund at the time of his or her
18 appointment as a clerk magistrate, or a judge of the Nebraska Workers'
19 Compensation Court showing the amount to be deducted and its credit to
20 the fund. This shall be done each month. The Director of Administrative
21 Services and the State Treasurer shall credit the amount as shown on the
22 payroll and the amounts received from the various counties to the fund
23 and remit the same to the director in charge of the judges retirement
24 system who shall keep an accurate record of the contributions of each
25 judge.

26 (3)(a) Except as otherwise provided in this subsection and section 1
27 of this act, a Nebraska Retirement Fund for Judges fee of ~~six dollars~~
28 ~~through June 30, 2021, eight dollars beginning July 1, 2021, through June~~
29 ~~30, 2022, nine dollars beginning July 1, 2022, through June 30, 2023, ten~~
30 dollars beginning July 1, 2023, through June 30, 2024, eleven dollars
31 beginning July 1, 2024, through June 30, 2025, and twelve dollars

1 beginning July 1, 2025, shall be taxed as costs in each (i) civil cause
2 of action, criminal cause of action, traffic misdemeanor or infraction,
3 and city or village ordinance violation filed in the district courts, the
4 county courts, and the separate juvenile courts, (ii) filing in the
5 district court of an order, award, or judgment of the Nebraska Workers'
6 Compensation Court or any judge thereof pursuant to section 48-188, (iii)
7 appeal or other proceeding filed in the Court of Appeals, and (iv)
8 original action, appeal, or other proceeding filed in the Supreme Court.
9 In county courts a sum shall be charged which is equal to ten percent of
10 each fee provided by sections 33-125, 33-126.02, 33-126.03, and
11 33-126.06, rounded to the nearest even dollar. No judges retirement fee
12 shall be charged for filing a report pursuant to sections 33-126.02 and
13 33-126.06.

14 (b) The fee increases described in subdivision (a) of this
15 subsection shall not be taxed as a cost in any criminal cause of action,
16 traffic misdemeanor or infraction, or city or village ordinance violation
17 filed in the district court or the county court. The fee on such criminal
18 causes of action, traffic misdemeanors or infractions, or city or village
19 ordinance violations shall remain six dollars on and after July 1, 2021.

20 (c) When collected by the clerk of the district or county court,
21 such fees shall be remitted to the State Treasurer within ten days after
22 the close of each calendar month for credit to the Nebraska Retirement
23 Fund for Judges. In addition, information regarding collection of court
24 fees shall be submitted to the director in charge of the judges
25 retirement system by the State Court Administrator within ten days after
26 the close of each calendar month.

27 (d) The board may charge a late administrative processing fee not to
28 exceed twenty-five dollars if the information is not timely received or
29 the money is delinquent. In addition, the board may charge a late fee of
30 thirty-eight thousandths of one percent of the amount required to be
31 submitted pursuant to this section for each day such amount has not been

1 received. Such late fees shall be remitted to the director who shall
2 promptly thereafter remit such fees to the State Treasurer for credit to
3 the fund.

4 (e) No Nebraska Retirement Fund for Judges fee which is
5 uncollectible for any reason shall be waived by a county judge as
6 provided in section 29-2709.

7 (4) All expenditures from the fund shall be authorized by voucher in
8 the manner prescribed in section 24-713. The fund shall be used for the
9 payment of all annuities and other benefits to members and their
10 beneficiaries and for the expenses of administration.

11 ~~(5)(a) Prior to July 1, 2021:~~

12 ~~(i) Beginning July 1, 2013, and each fiscal year thereafter, the~~
13 ~~board shall cause an annual actuarial valuation to be performed that will~~
14 ~~value the plan assets for the year and ascertain the contributions~~
15 ~~required for such fiscal year. The actuary for the board shall perform an~~
16 ~~actuarial valuation of the system on the basis of actuarial assumptions~~
17 ~~recommended by the actuary, approved by the board, and kept on file with~~
18 ~~the board using the entry age actuarial cost method. Under this method,~~
19 ~~the actuarially required funding rate is equal to the normal cost rate,~~
20 ~~plus the contribution rate necessary to amortize the unfunded actuarial~~
21 ~~accrued liability on a level percentage of salary basis. The normal cost~~
22 ~~under this method shall be determined for each individual member on a~~
23 ~~level percentage of salary basis. The normal cost amount is then summed~~
24 ~~for all members;~~

25 ~~(ii) Beginning July 1, 2006, any existing unfunded liabilities shall~~
26 ~~be reinitialized and amortized over a thirty-year period, and during each~~
27 ~~subsequent actuarial valuation through June 30, 2021, changes in the~~
28 ~~unfunded actuarial accrued liability due to changes in benefits,~~
29 ~~actuarial assumptions, the asset valuation method, or actuarial gains or~~
30 ~~losses shall be measured and amortized over a thirty-year period~~
31 ~~beginning on the valuation date of such change;~~

1 ~~(iii) If the unfunded actuarial accrued liability under the entry~~
2 ~~age actuarial cost method is zero or less than zero on an actuarial~~
3 ~~valuation date, then all prior unfunded actuarial accrued liabilities~~
4 ~~shall be considered fully funded and the unfunded actuarial accrued~~
5 ~~liability shall be reinitialized and amortized over a thirty-year period~~
6 ~~as of the actuarial valuation date; and~~

7 ~~(iv) If the actuarially required contribution rate exceeds the rate~~
8 ~~of all contributions required pursuant to the Judges Retirement Act,~~
9 ~~there shall be a supplemental appropriation sufficient to pay for the~~
10 ~~differences between the actuarially required contribution rate and the~~
11 ~~rate of all contributions required pursuant to the Judges Retirement Act.~~

12 (5)(a) ~~(b)~~ Beginning July 1, 2021, and each fiscal year thereafter:

13 (i) The board shall cause an annual actuarial valuation to be
14 performed that will value the plan assets for the year and ascertain the
15 contributions required for such fiscal year. The actuary for the board
16 shall perform an actuarial valuation of the system on the basis of
17 actuarial assumptions recommended by the actuary, approved by the board,
18 and kept on file with the board using the entry age actuarial cost
19 method. Under such method, the actuarially required funding rate is equal
20 to the normal cost rate, plus the contribution rate necessary to amortize
21 the unfunded actuarial accrued liability on a level percentage of salary
22 basis. The normal cost under such method shall be determined for each
23 individual member on a level percentage of salary basis. The normal cost
24 amount is then summed for all members;

25 (ii) Any changes in the unfunded actuarial accrued liability due to
26 changes in benefits, actuarial assumptions, the asset valuation method,
27 or actuarial gains or losses shall be measured and amortized over a
28 twenty-five-year period beginning on the valuation date of such change;

29 (iii) If the unfunded actuarial accrued liability under the entry
30 age actuarial cost method is zero or less than zero on an actuarial
31 valuation date, then all prior unfunded actuarial accrued liabilities

1 shall be considered fully funded and the unfunded actuarial accrued
2 liability shall be reinitialized and amortized over a twenty-five-year
3 period as of the actuarial valuation date; and

4 (iv) If the actuarially required contribution rate exceeds the rate
5 of all contributions required pursuant to the Judges Retirement Act,
6 there shall be a supplemental appropriation sufficient to pay for the
7 differences between the actuarially required contribution rate and the
8 rate of all contributions required pursuant to the act.

9 (b) ~~(c)~~ Upon the recommendation of the actuary to the board, and
10 after the board notifies the Nebraska Retirement Systems Committee of the
11 Legislature, the board may combine or offset certain amortization bases
12 to reduce future volatility of the actuarial contribution rate. Such
13 notification to the committee shall be in writing and include, at a
14 minimum, the actuary's projection of the contributions to fund the plan
15 if the combination or offset were not implemented, the actuary's
16 projection of the contributions to fund the plan if the combination or
17 offset were implemented, and the actuary's explanation of why the
18 combination or offset is in the best interests of the plan at the
19 proposed time.

20 (c) ~~(d)~~ For purposes of this subsection, the rate of all
21 contributions required pursuant to the Judges Retirement Act includes (i)
22 member contributions, (ii) state contributions pursuant to subsection (6)
23 of this section which shall be considered as a contribution for the plan
24 year ending the prior June 30, (iii) court fees as provided in subsection
25 (3) of this section, and (iv) all fees pursuant to sections 25-2804,
26 33-103, 33-103.01, 33-106.02, 33-123, 33-124, 33-125, 33-126.02,
27 33-126.03, and 33-126.06, as directed to be remitted to the fund.

28 (6)(a) In addition to the contributions otherwise required by this
29 section, beginning July 1, 2023, and on July 1 of each year thereafter,
30 or as soon thereafter as administratively possible, the State Treasurer
31 shall transfer from the General Fund to the Nebraska Retirement Fund for

1 Judges an amount equal to five percent of the total annual compensation
2 of all members of the retirement system except as otherwise provided in
3 this subsection and as such rate shall be adjusted or terminated by the
4 Legislature. No adjustment may cause the total contribution rate
5 established in this subsection to exceed five percent. For purposes of
6 this subsection, (i) total annual compensation is based on the total
7 member compensation reported in the most recent annual actuarial
8 valuation report for the retirement system produced for the board
9 pursuant to section 84-1503 and (ii) the contribution described in this
10 subsection shall be considered as a contribution for the plan year ending
11 the prior June 30.

12 (b) If the funded ratio on the actuarial value of assets is at or
13 above one hundred percent for two consecutive years as reported in the
14 annual actuarial valuation report, the actuary shall assess whether the
15 percentage of the state contribution rate should be adjusted based on
16 projected annual actuarial valuation report results including the funded
17 ratio, actuarial contribution, and expected revenue sources using several
18 assumed investment return scenarios that the actuary deems to be
19 reasonable, and shall make a recommendation to the board as part of the
20 annual actuarial valuation report.

21 (c) If the state contribution rate has been adjusted to less than
22 five percent and the funded ratio on the actuarial value of assets is
23 below one hundred percent for two consecutive years as reported in the
24 annual actuarial valuation report, the actuary shall assess whether the
25 percentage of the state contribution rate should be adjusted based on
26 projected annual actuarial valuation report results including the funded
27 ratio, actuarial contribution, and expected revenue sources using several
28 assumed investment return scenarios that the actuary deems to be
29 reasonable, and shall make a recommendation to the board as part of the
30 annual actuarial valuation report.

31 (d) If an annual actuarial valuation report includes a

1 recommendation from the actuary to adjust the contribution rate as
2 described in subdivision (b) or (c) of this subsection, the board shall
3 provide written notice electronically to the Nebraska Retirement Systems
4 Committee of the Legislature, to the Governor, and to the Supreme Court
5 of such recommendation within seven business days after voting to approve
6 an annual actuarial valuation report. The notice shall include the
7 actuary's recommendation and analysis regarding such adjustment.

8 (e) Following receipt of the actuary's recommendation and analysis
9 pursuant to this subsection, the Nebraska Retirement Systems Committee of
10 the Legislature shall determine the amount of any adjustment of the
11 contribution rate and, if necessary, shall propose any such adjustment to
12 the Legislature.

13 (7) The state or county shall pick up the member contributions
14 required by this section for all compensation paid on or after January 1,
15 1985, and the contributions so picked up shall be treated as employer
16 contributions pursuant to section 414(h)(2) of the Internal Revenue Code
17 in determining federal tax treatment under the code and shall not be
18 included as gross income of the member until such time as they are
19 distributed or made available. The contributions, although designated as
20 member contributions, shall be paid by the state or county in lieu of
21 member contributions. The state or county shall pay these member
22 contributions from the same source of funds which is used in paying
23 earnings to the member. The state or county shall pick up these
24 contributions by a compensation deduction through a reduction in the
25 compensation of the member. Member contributions picked up shall be
26 treated for all purposes of the Judges Retirement Act in the same manner
27 and to the extent as member contributions made prior to the date picked
28 up.

29 Sec. 3. Section 25-1140.09, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 25-1140.09 (1) On the application of the county attorney or any

1 party to a suit in which a record of the proceedings has been made, upon
2 receipt of the notice provided in section 29-2525, or upon the filing of
3 a praecipe for a bill of exceptions by an appealing party in the office
4 of the clerk of the district court as provided in section 25-1140, the
5 court reporter shall prepare a transcribed copy of the proceedings so
6 recorded or any part thereof. The reporter shall be entitled to receive,
7 in addition to his or her salary, a per-page fee as prescribed by the
8 Supreme Court for the original copy and each additional copy, to be paid
9 by the party requesting the same except as otherwise provided in this
10 section.

11 (2) When the transcribed copy of the proceedings is required by the
12 county attorney, the fee therefor shall be paid by the county in the same
13 manner as other claims are paid. When the defendant in a criminal case,
14 after conviction, makes an affidavit that he or she is unable by reason
15 of his or her poverty to pay for such copy, the court or judge thereof
16 may, by order endorsed on such affidavit, direct delivery of such
17 transcribed copy to such defendant, and the fee shall be paid by the
18 county in the same manner as other claims are allowed and paid. When such
19 copy is prepared in any criminal case in which the sentence adjudged is
20 capital, the fees therefor shall be paid by the county in the same manner
21 as other claims are allowed or paid.

22 (3) The fee for preparation of a bill of exceptions and the
23 procedure for preparation, settlement, signature, allowance,
24 certification, filing, and amendment of a bill of exceptions shall be
25 regulated and governed by rules of practice prescribed by the Supreme
26 Court. The fee paid shall be taxed, by the clerk of the district court,
27 to the party against whom the judgment or decree is rendered except as
28 otherwise ordered by the presiding district judge.

29 (4) Fees under this section shall not be charged for any individual
30 described in section 1 of this act. In such case the fees shall be paid
31 by the county in the same manner as other claims are allowed or paid.

1 Sec. 4. Section 25-1914, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 25-1914 (1) On appeal in any case taken from the district court to
4 the Court of Appeals or Supreme Court, other than an appeal pursuant to
5 section 71-6904, the appellant or appellants shall, within thirty days
6 after the entry of the judgment, decree, or final order sought to be
7 reversed, vacated, or modified or within thirty days after the entry of
8 the order overruling a motion for a new trial in such cause, (a) ~~(1)~~ file
9 in the district court a bond or undertaking in the sum of seventy-five
10 dollars to be approved by the clerk of the district court, conditioned
11 that the appellant shall pay all costs adjudged against him or her in the
12 appellate court, or (b) ~~(2)~~ make a cash deposit with the clerk of at
13 least seventy-five dollars for the same purpose. If a supersedeas bond is
14 executed, no bond for costs shall be required. The giving of either form
15 of bond or the making of such deposit shall be certified to by the clerk
16 of the district court in the transcript for the appellate court. The
17 appeal may be dismissed on motion and notice in the appellate court if no
18 bond has been given and certified in the transcript or within such
19 additional time as may be fixed by the appellate court for good cause
20 shown.

21 (2) This section does not apply to an individual described in
22 section 1 of this act.

23 Sec. 5. Section 25-3010, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 25-3010 A ~~Beginning January 1, 2007,~~ a fee of one dollar shall be
26 taxed as costs in each criminal proceeding, including traffic infractions
27 and misdemeanors, filed in all courts of this state for violations of
28 state law or city or village ordinances. No such fee shall be collected
29 in any juvenile court proceeding, ~~or~~ when waived under section 29-2709,
30 or from an individual described in section 1 of this act. Such fee shall
31 be remitted to the State Treasurer on forms prescribed by the State

1 Treasurer within ten days after the close of each calendar quarter. The
2 State Treasurer shall credit the money to the Civil Legal Services Fund.

3 Sec. 6. Section 29-1903, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 29-1903 (1) The amount of the witness fee and mileage in traffic,
6 criminal, and juvenile cases is governed by section 33-139.

7 (2) A witness in a traffic, criminal, or juvenile case shall be
8 entitled to a witness fee and mileage after appearing in court in
9 response to a subpoena. The clerk of the court shall immediately submit a
10 claim for payment of witness fees and mileage on behalf of all such
11 witnesses to the county clerk in cases involving a violation of state law
12 or to the city clerk in cases involving a violation of a city ordinance.
13 All witness fees and mileage paid by a defendant as part of the court
14 costs ordered by the court to be paid shall be reimbursed to the county
15 or city treasurer as appropriate.

16 (3) Any person accused of crime amounting to a misdemeanor or felony
17 shall have compulsory process to enforce the attendance of witnesses in
18 his or her behalf.

19 (4) No costs or fees under this section shall be assessed against an
20 individual described in section 1 of this act.

21 Sec. 7. Section 29-1920, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 29-1920 Whenever a defendant is adjudged indigent, the reasonable
24 costs incurred in the operation of ~~the provisions of~~ sections 29-1912 to
25 29-1921 shall be taxed as costs against the prosecuting authority. For
26 purposes of such sections, an individual described in section 1 of this
27 act shall be presumed to be indigent. Such presumption may be rebutted by
28 a preponderance of the evidence to the contrary.

29 Sec. 8. Section 29-2207, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 29-2207 Except as provided in section 1 of this act, in ~~in~~ every

1 case of conviction of any person for any felony or misdemeanor, it shall
2 be the duty of the court or magistrate to render judgment for the costs
3 of prosecution against the person convicted and remit the assessment as
4 provided in section 33-157.

5 Sec. 9. Section 29-2258, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 29-2258 A district probation officer shall:

8 (1) Conduct juvenile intake interviews and investigations in
9 accordance with sections 43-253 and 43-260.01 and, ~~beginning October 1,~~
10 ~~2013,~~ supervise delivery of preadjudication juvenile services under
11 subdivision (1)(f) ~~(6)~~ of section 43-254;

12 (2) Make presentence and other investigations, as may be required by
13 law or directed by a court in which he or she is serving;

14 (3) Supervise probationers in accordance with the rules and
15 regulations of the office and the directions of the sentencing court;

16 (4) Advise the sentencing court, in accordance with the Nebraska
17 Probation Administration Act and such rules and regulations of the
18 office, of violations of the conditions of probation by individual
19 probationers;

20 (5) Advise the sentencing court, in accordance with the rules and
21 regulations of the office and the direction of the court, when the
22 situation of a probationer may require a modification of the conditions
23 of probation or when a probationer's adjustment is such as to warrant
24 termination of probation;

25 (6) Provide each probationer with a statement of the period and
26 conditions of his or her probation;

27 (7) Whenever necessary, exercise the power of arrest as provided in
28 sections 29-2266.01 and 29-2266.02 or exercise the power of temporary
29 custody as provided in section 43-286.01;

30 (8) Establish procedures for the direction and guidance of deputy
31 probation officers under his or her jurisdiction and advise such officers

1 in regard to the most effective performance of their duties;

2 (9) Supervise and evaluate deputy probation officers under his or
3 her jurisdiction;

4 (10) Delegate such duties and responsibilities to a deputy probation
5 officer as he or she deems appropriate;

6 (11) Make such reports as required by the administrator, the judges
7 of the probation district in which he or she serves, or the Supreme
8 Court;

9 (12) Keep accurate and complete accounts of all money or property
10 collected or received from probationers and give receipts therefor;

11 (13) Cooperate fully with and render all reasonable assistance to
12 other probation officers;

13 (14) In counties with a population of less than twenty-five thousand
14 people, participate in pretrial diversion programs established pursuant
15 to sections 29-3601 to 29-3604 and juvenile pretrial diversion programs
16 established pursuant to sections 43-260.02 to 43-260.07 as requested by
17 judges of the probation district in which he or she serves or as
18 requested by a county attorney and approved by the judges of the
19 probation district in which he or she serves, except that participation
20 in such programs shall not require appointment of additional personnel
21 and shall be consistent with the probation officer's current caseload;

22 (15) Participate, at the direction of the probation administrator
23 pursuant to an interlocal agreement which meets the requirements of
24 section 29-2255, in non-probation-based programs and services;

25 (16) Perform such other duties not inconsistent with the Nebraska
26 Probation Administration Act or the rules and regulations of the office
27 as a court may from time to time direct; and

28 (17) Exercise all powers and perform all duties necessary and proper
29 to carry out his or her responsibilities.

30 Sec. 10. Section 29-2262, Revised Statutes Supplement, 2023, is
31 amended to read:

1 29-2262 (1) When a court sentences an offender to probation, it
2 shall attach such reasonable conditions as it deems necessary or likely
3 to insure that the offender will lead a law-abiding life. No offender
4 shall be sentenced to probation if he or she is deemed to be a habitual
5 criminal pursuant to section 29-2221.

6 (2) The court may, as a condition of a sentence of probation,
7 require the offender:

8 (a) To refrain from unlawful conduct;

9 (b) To be confined periodically in the county jail or to return to
10 custody after specified hours but not to exceed the lesser of ninety days
11 or the maximum jail term provided by law for the offense;

12 (c) To meet his or her family responsibilities;

13 (d) To devote himself or herself to a specific employment or
14 occupation;

15 (e) To undergo medical or psychiatric treatment and to enter and
16 remain in a specified institution for such purpose;

17 (f) To pursue a prescribed secular course of study or vocational
18 training;

19 (g) To attend or reside in a facility established for the
20 instruction, recreation, or residence of persons on probation;

21 (h) To refrain from frequenting unlawful or disreputable places or
22 consorting with disreputable persons;

23 (i) To possess no firearm or other dangerous weapon if convicted of
24 a felony, or if convicted of any other offense, to possess no firearm or
25 other dangerous weapon unless granted written permission by the court;

26 (j) To remain within the jurisdiction of the court and to notify the
27 court or the probation officer of any change in his or her address or his
28 or her employment and to agree to waive extradition if found in another
29 jurisdiction;

30 (k) To report as directed to the court or a probation officer and to
31 permit the officer to visit his or her home;

1 (l) To pay a fine in one or more payments as ordered;

2 (m) Except as provided in subsection (8) of this section, to ~~To~~ pay
3 for tests to determine the presence of drugs or alcohol, psychological
4 evaluations, offender assessment screens, and rehabilitative services
5 required in the identification, evaluation, and treatment of offenders if
6 such offender has the financial ability to pay for such services;

7 (n) To perform community service as outlined in sections 29-2277 to
8 29-2279 under the direction of his or her probation officer;

9 (o) To be monitored by an electronic surveillance device or system
10 and, except as provided in subsection (8) of this section, to pay the
11 cost of such device or system if the offender has the financial ability;

12 (p) To participate in a community correctional facility or program
13 as provided in the Community Corrections Act;

14 (q) To satisfy any other conditions reasonably related to the
15 rehabilitation of the offender;

16 (r) To make restitution as described in sections 29-2280 and
17 29-2281; or

18 (s) Except as provided in subsection (8) of this section, to ~~To~~ pay
19 for all costs imposed by the court, including court costs and the fees
20 imposed pursuant to section 29-2262.06.

21 (3) When jail time is imposed as a condition of probation under
22 subdivision (2)(b) of this section, the court shall advise the offender
23 on the record the time the offender will serve in jail assuming no good
24 time for which the offender will be eligible under section 47-502 is lost
25 and assuming none of the jail time imposed as a condition of probation is
26 waived by the court.

27 (4) Jail time may only be imposed as a condition of probation under
28 subdivision (2)(b) of this section if:

29 (a) The court would otherwise sentence the defendant to a term of
30 imprisonment instead of probation; and

31 (b) The court makes a finding on the record that, while probation is

1 appropriate, periodic confinement in the county jail as a condition of
2 probation is necessary because a sentence of probation without a period
3 of confinement would depreciate the seriousness of the offender's crime
4 or promote disrespect for law.

5 (5) In all cases in which the offender is guilty of violating
6 section 28-416, a condition of probation shall be mandatory treatment and
7 counseling as provided by such section.

8 (6) In all cases in which the offender is guilty of a crime covered
9 by the DNA Identification Information Act, a condition of probation shall
10 be the collecting of a DNA sample pursuant to the act and, except as
11 provided in subsection (8) of this section, the paying of all costs
12 associated with the collection of the DNA sample prior to release from
13 probation.

14 (7) For any offender sentenced to probation, the court shall enter
15 an order to provide the offender's (a) name, (b) probation officer, and
16 (c) conditions of probation to the Nebraska Commission on Law Enforcement
17 and Criminal Justice which shall provide access to such information to
18 law enforcement agencies through the state's criminal justice information
19 system.

20 (8) An individual described in section 1 of this act shall not be
21 required to pay any costs or fees as a condition of probation.

22 Sec. 11. Section 29-2262.04, Reissue Revised Statutes of Nebraska,
23 is amended to read:

24 29-2262.04 Selected offenders in intensive supervision probation
25 programs shall receive the highest level of supervision that is provided
26 to probationers. Such programs may include, but shall not be limited to,
27 highly restricted activities, daily contact between the offender and the
28 probation officer, monitored curfew, home visitation, employment
29 visitation and monitoring, drug and alcohol screening, treatment
30 referrals and monitoring, and restitution and community service. Except
31 as provided in section 1 of this act, selected Selected offenders

1 monitored by an electronic device or system shall be required to pay the
2 cost of such a device or system if the offender has the financial
3 ability. It is the intent of the Legislature that such programs shall
4 minimize any risk to the public.

5 Sec. 12. Section 29-2262.06, Reissue Revised Statutes of Nebraska,
6 is amended to read:

7 29-2262.06 (1) Except as otherwise provided in this section,
8 whenever a district court or county court sentences an adult offender to
9 probation, the court shall require the probationer to pay a one-time
10 administrative enrollment fee and thereafter a monthly probation
11 programming fee. An individual described in section 1 of this act shall
12 not be required to pay any fees under this section. No court or
13 governmental entity shall charge such an individual any local fee for
14 participation in a non-probation-based program or service.

15 (2) Participants in non-probation-based programs or services in
16 which probation personnel or probation resources are utilized pursuant to
17 an interlocal agreement authorized by subdivision (16) of section 29-2252
18 and in which all or a portion of the costs of such probation personnel or
19 such probation resources are covered by funds provided pursuant to
20 section 29-2262.07 shall pay the one-time administrative enrollment fee
21 described in subdivision (3)(a) of this section and the monthly probation
22 programming fee described in subdivision (3)(c) of this section. In
23 addition, the provisions of subsections (4), (7), and (10) of this
24 section applicable to probationers apply to participants in non-
25 probation-based programs or services. Any participant in a non-probation-
26 based program or service who defaults on the payment of any such fees
27 may, at the discretion of the court, be subject to removal from such non-
28 probation-based program or service. This subdivision does not preclude a
29 court or other governmental entity from charging additional local fees
30 for participation in such non-probation-based programs and services or
31 other similar non-probation-based programs and services.

1 (3) The court shall establish the administrative enrollment fee and
2 monthly probation programming fees as follows:

3 (a) Adult probationers placed on either probation or intensive
4 supervision probation and participants in non-probation-based programs or
5 services shall pay a one-time administrative enrollment fee of thirty
6 dollars. The fee shall be paid in a lump sum upon the beginning of
7 probation supervision or participation in a non-probation-based program
8 or service;

9 (b) Adult probationers placed on probation shall pay a monthly
10 probation programming fee of twenty-five dollars, not later than the
11 tenth day of each month, for the duration of probation; and

12 (c) Adult probationers placed on intensive supervision probation and
13 participants in non-probation-based programs or services shall pay a
14 monthly probation programming fee of thirty-five dollars, not later than
15 the tenth day of each month, for the duration of probation or
16 participation in a non-probation-based program or service.

17 (4) The court shall waive payment of the monthly probation
18 programming fees in whole or in part if after a hearing a determination
19 is made that such payment would constitute an undue hardship on the
20 offender due to limited income, employment or school status, or physical
21 or mental handicap. Such waiver shall be in effect only during the period
22 of time that the probationer or participant in a non-probation-based
23 program or service is unable to pay his or her monthly probation
24 programming fee.

25 (5) If a probationer defaults in the payment of monthly probation
26 programming fees or any installment thereof, the court may revoke his or
27 her probation for nonpayment, except that probation shall not be revoked
28 nor shall the offender be imprisoned for such nonpayment if the
29 probationer is financially unable to make the payment, if he or she so
30 states to the court in writing under oath, and if the court so finds
31 after a hearing.

1 (6) If the court determines that the default in payment described in
2 subsection (5) of this section was not attributable to a deliberate
3 refusal to obey the order of the court or to failure on the probationer's
4 part to make a good faith effort to obtain the funds required for
5 payment, the court may enter an order allowing the probationer additional
6 time for payment, reducing the amount of each installment, or revoking
7 the fees or the unpaid portion in whole or in part.

8 (7) No probationer or participant in a non-probation-based program
9 or service shall be required to pay more than one monthly probation
10 programming fee per month. This subsection does not preclude local fees
11 as provided in subsection (2) of this section.

12 (8) The imposition of monthly probation programming fees in this
13 section shall be considered separate and apart from the fees described in
14 subdivisions (2)(m) and (o) of section 29-2262.

15 (9) Any adult probationer received for supervision pursuant to
16 section 29-2637 or the Interstate Compact for Adult Offender Supervision
17 shall be assessed both a one-time administrative enrollment fee and
18 monthly probation programming fees during the period of time the
19 probationer is actively supervised by Nebraska probation authorities.

20 (10) The probationer or participant in a non-probation-based program
21 or service shall pay the fees described in this section to the clerk of
22 the court. The clerk of the court shall remit all fees so collected to
23 the State Treasurer for credit to the Probation Program Cash Fund.

24 Sec. 13. Section 29-2704, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 29-2704 (1) Upon examination in county court on complaint of a
27 felony, whether the accused is held to answer in court or discharged, the
28 court may file with the county clerk a certified transcript of the costs
29 as assessed under section 29-2709, giving the items of the same, and to
30 whom each is due, and on what account. As early as may be after the
31 filing of such bill, but without assembling for the special purpose, the

1 county board of the proper county shall examine into such bill of costs
2 as to its correctness, justice, and legality and may, if need be, examine
3 under oath any person upon the subject, which oath may be administered by
4 the county clerk.

5 (2) It shall be the duty of the board to disallow any item, in whole
6 or in part, of such bill that is found to be unlawful or needlessly
7 incurred, or if it appears that the complaint was made for a felony when
8 it should have been for a misdemeanor only, it may in its discretion
9 disallow the entire bill or any part thereof.

10 (3) The board may order that such bill, or so much thereof as it
11 finds to be lawful and just, be paid from the county treasury, whereupon
12 the county clerk shall draw warrants upon the county treasurer for the
13 sums respectively due to each person upon such bill so allowed, which
14 warrants the treasurer shall pay from the county general fund. The amount
15 of costs so allowed shall be certified by the county clerk, and the
16 certificate filed with the papers in the cause, in the office of the
17 clerk of the district court. Except as provided in section 1 of this act,
18 if ~~If~~ the defendant shall be convicted, judgment shall be rendered
19 against him or her for the costs so allowed, in addition to the costs
20 made in the district court.

21 Sec. 14. Section 29-4106, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 29-4106 (1) A person who is convicted of a felony offense or other
24 specified offense on or after July 15, 2010, who does not have a DNA
25 sample available for use in the State DNA Sample Bank, shall, ~~at his or~~
26 ~~her own expense,~~ have a DNA sample collected. Except as provided in
27 section 1 of this act, such sample shall be collected at such person's
28 expense. Such sample shall be collected:

29 (a) Upon intake to a prison, jail, or other detention facility or
30 institution to which such person is sentenced. If the person is already
31 confined at the time of sentencing, the person shall have a DNA sample

1 collected immediately after the sentencing. Such DNA sample shall be
2 collected at the place of incarceration or confinement. Such person shall
3 not be released unless and until a DNA sample has been collected; or

4 (b) As a condition for any sentence which will not involve an intake
5 into a prison, jail, or other detention facility or institution. Such DNA
6 samples shall be collected as follows:

7 (i) In any county containing a city of the metropolitan class, a
8 person placed on probation or who received a penalty of a fine or time
9 served shall have such DNA sample collected by a probation officer at a
10 probation office. Such person shall not be released unless and until a
11 DNA sample has been collected; and

12 (ii) In all other counties, a person placed on probation shall have
13 such DNA sample collected by a probation officer at a probation office,
14 and a person not placed on probation who receives a penalty of a fine or
15 time served shall have such DNA sample collected by the county sheriff.
16 Such person shall not be released unless and until a DNA sample has been
17 collected.

18 (2) A person who has been convicted of a felony offense or other
19 specified offense before July 15, 2010, who does not have a DNA sample
20 available for use in the State DNA Sample Bank, and who is still serving
21 a term of confinement or probation for such felony offense or other
22 specified offense on July 15, 2010, shall not be released prior to the
23 expiration of his or her maximum term of confinement or revocation or
24 discharge from his or her probation unless and until a DNA sample has
25 been collected.

26 (3) Except as provided in section 1 of this act, A person who is
27 serving a term of probation and has a DNA sample collected pursuant to
28 this section shall pay all costs associated with the collection of the
29 DNA sample.

30 (4) If the court waives the cost of taking a DNA sample for any
31 reason, a county jail or other county detention facility or institution

1 collecting the DNA sample shall not be held financially responsible for
2 the cost of the DNA sample kit.

3 Sec. 15. Section 29-4121, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 29-4121 Except as provided in section 1 of this act, the ~~The~~ cost
6 of DNA testing ordered under subsection (5) of section 29-4120 shall be
7 paid by the person filing the motion, unless the court determines such
8 person to be indigent. If the person filing such motion is determined by
9 the court to be indigent or is a person described in section 1 of this
10 act, the costs shall be paid by the state in the following manner:

11 (1) If the Commission on Public Advocacy has been appointed to
12 represent the person filing the motion, as determined under section
13 29-4122, the costs of testing shall be paid by the commission from funds
14 appropriated by the Legislature; and

15 (2) If the Commission on Public Advocacy has not been appointed to
16 represent the person filing the motion, the court shall hold a hearing to
17 determine the costs for DNA testing. The court shall order the commission
18 to pay such costs. The order shall be forwarded by the clerk of the court
19 to the commission, along with copies of all invoices for such DNA
20 testing. Upon receipt, the commission shall pay such costs from funds
21 appropriated by the Legislature.

22 Sec. 16. Section 33-103, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 33-103 (1) Except as provided in subsection (2) of this section:

25 (a) At the time of filing an appeal, original action, or other
26 proceeding in the Court of Appeals or Supreme Court there shall be paid
27 to the clerk the sum of one hundred dollars as a docket fee. Fifty
28 dollars of such fee shall be remitted to the State Treasurer for credit
29 to the Nebraska Retirement Fund for Judges; and -

30 (b) The clerk shall charge fees for copies of documents and
31 certificates at the rate provided in section 25-1280.

1 (2) No fee shall be charged under this section for an individual
2 described in section 1 of this act.

3 Sec. 17. Section 33-106, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 33-106 (1) No fee shall be charged under this section for an
6 individual described in section 1 of this act.

7 (2) ~~(1)~~ In addition to the judges' retirement fund fee provided in
8 section 24-703 and the fees provided in section 33-106.03 and except as
9 otherwise provided by law, the fees of the clerk of the district court
10 shall be as provided in this section. There shall be a docket fee of
11 forty-two dollars for each civil and criminal case except:

12 (a) There shall be a docket fee of twenty-five dollars for each case
13 commenced by filing a transcript of judgment from another court in this
14 state for the purpose of obtaining a lien;

15 (b) For proceedings under the Nebraska Workers' Compensation Act and
16 the Employment Security Law, when provision is made for the fees that may
17 be charged; and

18 (c) There shall be a docket fee of twenty-seven dollars for each
19 criminal case appealed to the district court from any court inferior
20 thereto.

21 (3) ~~(2)~~ In all cases, other than those appealed from an inferior
22 court or original filings which are within jurisdictional limits of an
23 inferior court and when a jury is demanded in district court, the docket
24 fee shall cover all fees of the clerk, except that the clerk shall be
25 paid for each copy or transcript ordered of any pleading, record, or
26 other document and that the clerk shall be entitled to a fee of fifteen
27 dollars for a records management fee which will be taxed as costs of the
28 case.

29 (4) ~~(3)~~ In all civil cases, except habeas corpus cases in which a
30 poverty affidavit is filed and approved by the court, and for all other
31 services, the docket fee or other fee shall be paid by the party filing

1 the case or requesting the service at the time the case is filed or the
2 service requested.

3 (5) ~~(4)~~ For any other service which may be rendered or performed by
4 the clerk but which is not required in the discharge of his or her
5 official duties, the fee shall be the same as that of a notary public but
6 in no case less than one dollar.

7 Sec. 18. Section 33-107.01, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 33-107.01 (1) Except as provided in subsection (3) of this section:

10 (a) A legal services fee of six dollars and twenty-five cents shall
11 be taxed as costs in each case filed in each separate juvenile court and
12 district court, including appeals to such courts, and on each case filed
13 in each county court except those filed in county court pursuant to its
14 jurisdiction under section 25-2802; and -

15 (b) A legal services fee of six dollars and twenty-five cents shall
16 be taxed as costs for each appeal and original action filed in the Court
17 of Appeals and the Supreme Court.

18 (2) Such fees shall be remitted to the State Treasurer on forms
19 prescribed by the State Treasurer within ten days after the close of each
20 month for credit to the Legal Aid and Services Fund.

21 (3) No fee shall be charged under this section for an individual
22 described in section 1 of this act.

23 Sec. 19. Section 33-107.03, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 33-107.03 (1) Except as provided in subsection (3) of this section,
26 in ~~in~~ addition to all other court costs assessed according to law, a
27 court automation fee of eight dollars shall be taxed as costs for each
28 case filed in each county court, separate juvenile court, and district
29 court, including appeals to such courts, and for each appeal and original
30 action filed in the Court of Appeals and the Supreme Court.

31 (2) The fees shall be remitted to the State Treasurer on forms

1 prescribed by the State Treasurer within ten days after the end of each
2 month. The State Treasurer shall credit the fees to the Supreme Court
3 Automation Cash Fund.

4 (3) No fee shall be charged under this section for an individual
5 described in section 1 of this act.

6 Sec. 20. Section 33-124, Revised Statutes Cumulative Supplement,
7 2022, is amended to read:

8 33-124 (1) Except as provided in subsection (3) of this section, in
9 ~~IA~~ criminal matters, including preliminary and juvenile hearings, the
10 county court shall receive, for any and all services rendered up to and
11 including the judgment or dismissal of the action and the issuance of
12 mittimus or discharge to the jailer, a fee of twenty dollars.

13 (2) Of such twenty-dollar fee, the following amounts shall be
14 remitted to the State Treasurer for credit to the Nebraska Retirement
15 Fund for Judges:

16 (a) ~~Beginning Six dollars through June 30, 2021, (b) beginning July~~
17 ~~1, 2021, through June 30, 2022, eight dollars, (c) beginning July 1,~~
18 ~~2022, through June 30, 2023, nine dollars, (d) beginning July 1, 2023,~~
19 ~~through June 30, 2024, ten dollars, (b) (e) beginning July 1, 2024,~~
20 ~~through June 30, 2025, eleven dollars, and (c) (f) beginning July 1,~~
21 ~~2025, twelve dollars.~~

22 (3) No fee shall be charged under this section for an individual
23 described in section 1 of this act.

24 Sec. 21. Section 33-126.05, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 33-126.05 (1) Except as provided in subsection (4) of this section,
27 the The county court shall be allowed the following miscellaneous fees:
28 For delayed birth registration, for the entire proceedings, ten dollars;
29 for depositing will for safekeeping and indexing the same, two dollars;
30 and for each use of any credit card authorized by the court for any
31 payment, a fee established in the manner provided in subsection (3) of

1 section 81-118.01. The legal fees for printing notices required by law to
2 be printed in some newspaper shall be allowed in addition to the fees
3 allowed in this section.

4 (2) For the following services performed by the county court, it
5 shall be entitled to receive the following fees: For temporary
6 restraining order in injunction, in the absence of the district judge,
7 five dollars; for appointment of appraisers in condemnation proceedings,
8 fifteen dollars, plus one dollar for each additional parcel of land
9 included in the petition when there is more than one; and for certifying
10 report of appraisers to the county clerk or register of deeds and making
11 transcript of the same to the district court, one dollar per page.

12 (3) Except as provided in subsection (4) of this section, in ~~In~~
13 addition to the fees provided in sections 33-123 to 33-125, the county
14 court shall be entitled to the following fees: For providing photocopies,
15 twenty-five cents per page; and for executing certificate and affixing
16 the seal, one dollar.

17 (4) No fee shall be charged under subsection (1) or (3) of this
18 section for an individual described in section 1 of this act.

19 Sec. 22. Section 33-154, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 33-154 (1) Except as provided in subsection (3) of this section, in
22 ~~In~~ addition to all other court costs assessed according to law, a
23 training fee of one dollar shall be taxed as costs for each case filed in
24 each county court and district court, including appeals to such courts,
25 and for each appeal and original action filed in the Court of Appeals and
26 the Supreme Court.

27 (2) The fees shall be remitted to the State Treasurer on forms
28 prescribed by the State Treasurer within ten days after the end of each
29 month. The State Treasurer shall credit the fees to the Supreme Court
30 Education Fund.

31 (3) No fee shall be charged under this section for an individual

1 described in section 1 of this act.

2 Sec. 23. Section 33-155, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 33-155 (1) Except as provided in subsection (3) of this section, in
5 ~~In~~ addition to all other court costs assessed according to law, a dispute
6 resolution fee of seventy-five cents shall be taxed as costs for each
7 case filed in each county court and district court, including appeals to
8 such courts, and for each appeal and original action filed in the Court
9 of Appeals and the Supreme Court.

10 (2) The fees shall be remitted to the State Treasurer on forms
11 prescribed by the State Treasurer within ten days after the end of each
12 month. The State Treasurer shall credit the fees to the Dispute
13 Resolution Cash Fund.

14 (3) No fee shall be charged under this section for an individual
15 described in section 1 of this act.

16 Sec. 24. Section 33-156, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 33-156 (1)(a) Except as provided in subsection (3) of this section,
19 in ~~(1)~~ ~~In~~ addition to all other court costs assessed according to law, an
20 indigent defense fee of three dollars shall be taxed as costs for each
21 case filed in each county court and district court, including appeals to
22 such courts, and for each appeal and original action filed in the Court
23 of Appeals and the Supreme Court.

24 (b) The fees shall be remitted to the State Treasurer on forms
25 prescribed by the State Treasurer within ten days after the end of the
26 month. The State Treasurer shall credit the fees to the Commission on
27 Public Advocacy Operations Cash Fund.

28 (2) In cases under the DNA Testing Act, costs shall be paid as
29 provided in such act.

30 (3) No fee shall be charged under this section for an individual
31 described in section 1 of this act.

1 Sec. 25. Section 33-157, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 33-157 (1)(a) Except as provided in subsection (3) of this section,
4 in (1)~~In~~ addition to all other costs assessed according to law, an
5 assessment of one dollar shall be assessed for each conviction of a
6 person for any misdemeanor or felony in county court or district court
7 and each affirmation on appeal. No such assessment shall be collected in
8 any juvenile court proceeding. No county shall be liable for the
9 assessment imposed pursuant to this section.

10 (b) The assessments shall be remitted to the State Treasurer on
11 forms prescribed by the State Treasurer within ten days after the end of
12 the month.

13 (2) The Nebraska Crime Victim Fund is created. The fund shall
14 contain the amounts remitted pursuant to subsection (1) of this section
15 and section 83-184. The fund shall be administered by the Nebraska
16 Commission on Law Enforcement and Criminal Justice. As soon as funds
17 become available, the commission shall direct the State Treasurer to
18 transfer money from the Nebraska Crime Victim Fund to the Department of
19 Correctional Services Facility Cash Fund and the Supreme Court Automation
20 Cash Fund to pay for the initial costs in implementing Laws 2010, LB510,
21 in amounts to be determined by the Department of Correctional Services
22 and the Supreme Court and certified to the commission. When such costs
23 are fully reimbursed, the Nebraska Crime Victim Fund shall terminate and
24 the State Treasurer shall distribute seventy-five percent of the funds
25 remitted pursuant to subsection (1) of this section and section 83-184 to
26 the Victim's Compensation Fund to be awarded as compensation for losses
27 and expenses allowable under the Nebraska Crime Victim's Reparations Act
28 and shall distribute twenty-five percent of such funds to the Reentry
29 Cash Fund.

30 (3) No fee shall be charged under this section for an individual
31 described in section 1 of this act.

1 Sec. 26. Section 43-254, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 43-254 (1) Pending the adjudication of any case, and subject to
4 subdivision (5) of section 43-251.01, if it appears that the need for
5 placement or further detention exists, the juvenile may be:

6 (a) Placed ~~(1) placed~~ or detained a reasonable period of time on
7 order of the court in the temporary custody of either the person having
8 charge of the juvenile or some other suitable person; ~~τ~~

9 (b) Kept ~~(2) kept~~ in some suitable place provided by the city or
10 county authorities; ~~τ~~

11 (c) Placed ~~(3) placed~~ in any proper and accredited charitable
12 institution; ~~τ~~

13 (d) Placed ~~(4) placed~~ in a state institution, except any adult
14 correctional facility, when proper facilities are available and the only
15 local facility is a city or county jail, at the expense of the committing
16 county on a per diem basis as determined from time to time by the head of
17 the particular institution; ~~τ~~

18 (e) Placed ~~(5) placed~~ in the temporary care and custody of the
19 Department of Health and Human Services when it does not appear that
20 there is any need for secure detention, except that ~~beginning October 1,~~
21 ~~2013,~~ no juvenile alleged to be a juvenile described in subdivision (1),
22 (2), (3)(b), or (4) of section 43-247 shall be placed in the care and
23 custody or under the supervision of the department; ~~Department of Health~~
24 ~~and Human Services,~~ or

25 (f) Offered ~~(6) beginning October 1, 2013,~~ offered supervision
26 options as determined pursuant to section 43-260.01, through the Office
27 of Probation Administration as ordered by the court and agreed to in
28 writing by the parties, if the juvenile is alleged to be a juvenile
29 described in subdivision (1), (2), (3)(b), or (4) of section 43-247 and
30 it does not appear that there is any need for secure detention.

31 (2) For a juvenile alleged to be a juvenile described in subdivision

1 ~~(4) of section 43-247, the~~ The court may assess the cost of such
2 placement or detention in whole or in part to the parent of the juvenile
3 as provided in section 43-290.

4 ~~(3)~~ If a juvenile has been removed from his or her parent, guardian,
5 or custodian pursuant to subdivision (2) of section 43-248, the court may
6 enter an order continuing detention or placement upon a written
7 determination that continuation of the juvenile in his or her home would
8 be contrary to the health, safety, or welfare of such juvenile and that
9 reasonable efforts were made to preserve and reunify the family if
10 required under section 43-283.01.

11 Sec. 27. Section 43-260.04, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

13 43-260.04 ~~(1)~~ A juvenile pretrial diversion program shall:

14 ~~(a) (1)~~ Be an option available for the county attorney or city
15 attorney based upon his or her determination under this subdivision. The
16 county attorney or city attorney may use the following information:

17 ~~(i) (a)~~ The juvenile's age;

18 ~~(ii) (b)~~ The nature of the offense and role of the juvenile in the
19 offense;

20 ~~(iii) (c)~~ The number and nature of previous offenses involving the
21 juvenile;

22 ~~(iv) (d)~~ The dangerousness or threat posed by the juvenile to
23 persons or property; or

24 ~~(v) (e)~~ The recommendations of the referring agency, victim, and
25 advocates for the juvenile;

26 ~~(b) (2)~~ Permit participation by a juvenile only on a voluntary basis
27 and shall include a juvenile diversion agreement described in section
28 43-260.06;

29 ~~(c) (3)~~ Allow the juvenile to consult with counsel prior to a
30 decision to participate in the program;

31 ~~(d) (4)~~ Be offered to the juvenile when practicable prior to the

1 filing of a juvenile petition or a criminal charge but after the arrest
2 of the juvenile or issuance of a citation to the juvenile if after the
3 arrest or citation a decision has been made by the county attorney or
4 city attorney that the offense will support the filing of a juvenile
5 petition or criminal charges;

6 (e) ~~(5)~~ Provide screening services for use in creating a diversion
7 plan utilizing appropriate services for the juvenile;

8 (f) ~~(6)~~ Result in dismissal of the juvenile petition or criminal
9 charges if the juvenile successfully completes the program;

10 (g) ~~(7)~~ Be designed and operated to further the goals stated in
11 section 43-260.03 and comply with sections 43-260.04 to 43-260.07; and

12 (h) ~~(8)~~ Require information received by the program regarding the
13 juvenile to remain confidential unless a release of information is signed
14 upon admission to the program or is otherwise authorized by law. ~~;~~ and

15 (2)(a) A juvenile pretrial diversion program shall respond ~~(9)(a)~~
16 ~~Respond~~ to a public inquiry in the same manner as if there were no
17 information or records concerning participation in the diversion program.
18 Information or records pertaining to participation in the diversion
19 program shall not be disseminated to any person other than:

20 (i) A criminal justice agency as defined in section 29-3509;

21 (ii) The individual who is the subject of the record or any persons
22 authorized by such individual; or

23 (iii) Other persons or agencies authorized by law.

24 (b) An individual, a person, or an agency requesting information
25 subject to subdivision (2)(a) ~~(9)(a)~~ of this section shall provide the
26 diversion program with satisfactory verification of his, her, or its
27 identity.

28 (3) A juvenile pretrial diversion program shall not require payment
29 of program fines or fees as a condition of participation in or completion
30 of such program. The ability of a juvenile or the juvenile's parent or
31 guardian to pay any fee or fine shall not be considered in determining

1 whether to offer participation in such program. Failure to pay a fine or
2 fee shall not prevent a juvenile's records from being sealed.

3 Sec. 28. Section 43-261, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 43-261 (1)(a) A juvenile court petition and all subsequent
6 proceedings shall be entitled In the Interest
7 of, a Juvenile, inserting the juvenile's name
8 in the blank. The written petition shall be signed by the county
9 attorney, specify which subdivision of section 43-247 is alleged and set
10 forth the facts, state the juvenile's month and year of birth, and
11 request the juvenile court to determine whether support will be ordered
12 pursuant to section 43-290. An allegation under subdivision (1), (2), or
13 (4) of section 43-247 is to be made with the same specificity as a
14 criminal complaint. It is sufficient if the petition is based upon
15 information and belief.

16 (b) A juvenile court petition is filed with the clerk of the court
17 having jurisdiction over the matter. If such court is a separate juvenile
18 court, the petition is filed with the clerk of the district court. If
19 such court is a county court sitting as a juvenile court, the petition is
20 filed with the clerk of the county court.

21 (2) In all cases involving violation of a city or village ordinance,
22 the city attorney or village prosecutor may file a petition in juvenile
23 court. If such a petition is filed, for purposes of such proceeding,
24 references in the Nebraska Juvenile Code to county attorney are construed
25 to include a city attorney or village prosecutor.

26 (3) Any fees to cover costs associated with filing a petition
27 alleging a juvenile to be within subdivision (1), (2), or (3)(b) of
28 section 43-247 shall not be assessed against the juvenile or the
29 juvenile's parent or guardian.

30 Sec. 29. Section 43-272, Revised Statutes Cumulative Supplement,
31 2022, is amended to read:

1 43-272 (1)(a) In counties having a population of less than one
2 hundred fifty thousand inhabitants:

3 (i) When any juvenile court petition is filed alleging jurisdiction
4 of a juvenile pursuant to subdivision (2) of section 43-247, counsel
5 shall be appointed for such juvenile; and

6 (ii) In any other instance in which a juvenile is brought without
7 counsel before a juvenile court, the court shall advise such juvenile and
8 his or her parent or guardian of their right to retain counsel and shall
9 inquire of such juvenile and his or her parent or guardian as to whether
10 they desire to retain counsel.

11 (b) In counties having a population of one hundred fifty thousand or
12 more inhabitants, when any juvenile court petition is filed alleging
13 jurisdiction of a juvenile pursuant to subdivision (1), (2), (3)(b), or
14 (4) of section 43-247, counsel shall be appointed for such juvenile.

15 (c) The court shall inform any juvenile described in this subsection
16 and his or her parent or guardian of such juvenile's right to counsel at
17 county expense if none of them is able to afford counsel. If the juvenile
18 or his or her parent or guardian desires to have counsel appointed for
19 such juvenile, or the parent or guardian of such juvenile cannot be
20 located, and the court ascertains that none of such persons are able to
21 afford an attorney, the court shall forthwith appoint an attorney to
22 represent such juvenile for all proceedings before the juvenile court. ~~7~~
23 ~~except that if an attorney is appointed to represent such juvenile and~~
24 ~~the court later determines that a parent of such juvenile is able to~~
25 ~~afford an attorney, the court shall order such parent or juvenile to pay~~
26 ~~for services of the attorney to be collected in the same manner as~~
27 ~~provided by section 43-290. If the parent willfully refuses to pay any~~
28 ~~such sum, the court may commit him or her for contempt, and execution may~~
29 ~~issue at the request of the appointed attorney or the county attorney or~~
30 ~~by the court without a request.~~

31 (2) The court, on its own motion or upon application of a party to

1 the proceedings, shall appoint a guardian ad litem for the juvenile: (a)
2 If the juvenile has no parent or guardian of his or her person or if the
3 parent or guardian of the juvenile cannot be located or cannot be brought
4 before the court; (b) if the parent or guardian of the juvenile is
5 excused from participation in all or any part of the proceedings; (c) if
6 the parent is a juvenile or an incompetent; (d) if the parent is
7 indifferent to the interests of the juvenile; or (e) in any proceeding
8 pursuant to the provisions of subdivision (3)(a) of section 43-247.

9 A guardian ad litem shall have the duty to protect the interests of
10 the juvenile for whom he or she has been appointed guardian, and shall be
11 deemed a parent of the juvenile as to those proceedings with respect to
12 which his or her guardianship extends.

13 (3) The court shall appoint an attorney as guardian ad litem. A
14 guardian ad litem shall act as his or her own counsel and as counsel for
15 the juvenile, unless there are special reasons in a particular case why
16 the guardian ad litem or the juvenile or both should have separate
17 counsel. In such cases the guardian ad litem shall have the right to
18 counsel, except that the guardian ad litem shall be entitled to appointed
19 counsel without regard to his or her financial ability to retain counsel.
20 Whether such appointed counsel shall be provided at the cost of the
21 county shall be determined as provided in subsection (1) of this section.

22 (4) ~~The By July 1, 2015,~~ the Supreme Court shall provide by court
23 rule standards for guardians ad litem for juveniles in juvenile court
24 proceedings.

25 (5) ~~The By July 1, 2017,~~ the Supreme Court shall provide guidelines
26 setting forth standards for all attorneys who practice in juvenile court.

27 Sec. 30. Section 43-290, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 43-290 (1) It is the purpose of this section to promote parental
30 responsibility and to provide for the most equitable use and availability
31 of public money.

1 (2) Pursuant to a petition filed by a county attorney or city
2 attorney having knowledge of a juvenile in his or her jurisdiction who
3 appears to be a juvenile described in subdivision (3)(a), (3)(c) ~~(1),~~
4 ~~(2), (3)~~, or (4) of section 43-247, whenever the care or custody of a
5 juvenile is given by the court to someone other than his or her parent,
6 which shall include placement with a state agency, or when a juvenile is
7 given medical, psychological, or psychiatric study or treatment under
8 order of the court, the court shall make a determination of support to be
9 paid by a parent for the juvenile at the same proceeding at which
10 placement, study, or treatment is determined or at a separate proceeding.
11 Such proceeding, which may occur prior to, at the same time as, or
12 subsequent to adjudication, shall be in the nature of a disposition
13 hearing.

14 (3) At such proceeding, after summons to the parent of the time and
15 place of hearing served as provided in sections 43-262 to 43-267, the
16 court may order and decree that the parent shall pay, in such manner as
17 the court may direct, a reasonable sum that will cover in whole or part
18 the support, study, and treatment of the juvenile, which amount ordered
19 paid shall be the extent of the liability of the parent. The court in
20 making such order shall give due regard to the cost of the support,
21 study, and treatment of the juvenile, the ability of the parent to pay,
22 and the availability of money for the support of the juvenile from
23 previous judicial decrees, social security benefits, veterans benefits,
24 or other sources. Support thus received by the court shall be transmitted
25 to the person, agency, or institution having financial responsibility for
26 such support, study, or treatment and, if a state agency or institution,
27 remitted by such state agency or institution quarterly to the Director of
28 Administrative Services for credit to the proper fund.

29 (4) Whenever medical, psychological, or psychiatric study or
30 treatment is ordered by the court, whether or not the juvenile is placed
31 with someone other than his or her parent, or if such study or treatment

1 is otherwise provided as determined necessary by the custodian of the
2 juvenile, the court shall inquire as to the availability of insured or
3 uninsured health care coverage or service plans which include the
4 juvenile. The court may order the parent to pay over any plan benefit
5 sums received on coverage for the juvenile. The payment of any deductible
6 under the health care benefit plan covering the juvenile shall be the
7 responsibility of the parent. If the parent willfully fails or refuses to
8 pay the sum ordered or to pay over any health care plan benefit sums
9 received, the court may proceed against him or her as for contempt,
10 either on the court's own motion or on the motion of the county attorney
11 or authorized attorney as provided in section 43-512, or execution shall
12 issue at the request of any person, agency, or institution treating or
13 maintaining such juvenile. The court may afterwards, because of a change
14 in the circumstances of the parties, revise or alter the order of payment
15 for support, study, or treatment.

16 (5) If the juvenile has been committed to the care and custody of
17 the Department of Health and Human Services, the department shall pay the
18 costs for the support, study, or treatment of the juvenile which are not
19 otherwise paid by the juvenile's parent.

20 (6) If no provision is otherwise made by law for the support or
21 payment for the study or treatment of the juvenile, compensation for the
22 support, study, or treatment shall be paid, when approved by an order of
23 the court, out of a fund which shall be appropriated by the county in
24 which the petition is filed.

25 (7) The juvenile court shall retain jurisdiction over a parent
26 ordered to pay support for the purpose of enforcing such support order
27 for so long as such support remains unpaid but not to exceed ten years
28 from the nineteenth birthday of the youngest child for whom support was
29 ordered.

30 (8) The court shall not assess any costs described in this section
31 against a juvenile or the juvenile's parent or guardian in any case filed

1 under subdivision (1), (2), or (3)(b) of section 43-247. However, the
2 court may inquire as to the availability of insured or uninsured health
3 care coverage or service plans which include the juvenile. If such
4 coverage or plans are in effect, the court may order the parent or
5 guardian to continue paying any deductible for such coverage or plan.

6 Sec. 31. No fine shall be imposed against a juvenile or parent or
7 guardian of a juvenile in any proceeding under the Nebraska Juvenile
8 Code.

9 Sec. 32. Section 43-2,129, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 43-2,129 Sections 43-245 to 43-2,129 and section 31 of this act
12 shall be known and may be cited as the Nebraska Juvenile Code.

13 Sec. 33. Section 47-633, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 47-633 (1) Except as provided in subsection (3) of this section, in
16 ~~In~~ addition to all other court costs assessed according to law, a uniform
17 data analysis fee of one dollar shall be taxed as costs for each case
18 filed in each county court, separate juvenile court, and district court,
19 including appeals to such courts, and for each appeal and original action
20 filed in the Court of Appeals and the Supreme Court.

21 (2) The fees shall be remitted to the State Treasurer on forms
22 prescribed by the State Treasurer within ten days after the end of each
23 month. The State Treasurer shall credit the fees to the Community
24 Corrections Uniform Data Analysis Cash Fund.

25 (3) No fee shall be charged under this section for an individual
26 described in section 1 of this act.

27 Sec. 34. Section 81-1429, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 81-1429 A Law Enforcement Improvement Fund fee of two dollars shall
30 be taxed as costs in each criminal proceeding, including traffic
31 infractions and misdemeanors, filed in all courts of this state for

1 violations of state law or city or village ordinances. No such fee shall
2 be collected in any juvenile court proceeding, ~~or~~ when waived under
3 section 29-2709, or from any individual described in section 1 of this
4 act. Such fee shall be remitted to the State Treasurer on forms
5 prescribed by the State Treasurer within ten days after the close of each
6 calendar quarter. The State Treasurer shall credit the money to the Law
7 Enforcement Improvement Fund.

8 Sec. 35. Original sections 25-1914, 25-3010, 29-1920, 29-2207,
9 29-2258, 29-2262.04, 29-2262.06, 29-2704, 29-4106, 29-4121, 33-103,
10 33-107.01, 33-107.03, 33-126.05, 33-154, 33-155, 33-156, 33-157, 43-261,
11 43-290, 47-633, and 81-1429, Reissue Revised Statutes of Nebraska,
12 sections 24-703, 25-1140.09, 29-1903, 33-106, 33-124, 43-254, 43-260.04,
13 43-272, and 43-2,129, Revised Statutes Cumulative Supplement, 2022, and
14 section 29-2262, Revised Statutes Supplement, 2023, are repealed.