

AMENDMENTS TO LB568

(Amendments to Standing Committee amendments, AM264)

Introduced by Pansing Brooks, 28.

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

2 1. Strike sections 16 and 17 and insert the following new sections:

3 Sec. 16. Section 43-2404.02, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:

5 43-2404.02 (1) There is created a separate and distinct budgetary  
6 program within the commission to be known as the Community-based Juvenile  
7 Services Aid Program. Funding acquired from participation in the federal  
8 act, state General Funds, and funding acquired from other sources which  
9 may be used for purposes consistent with the Juvenile Services Act and  
10 the federal act shall be used to aid in the establishment and provision  
11 of community-based services for juveniles and families who have had, who  
12 are at risk of, or who come in contact with the juvenile justice system,  
13 and to reduce the risk for juveniles to come in contact with the juvenile  
14 justice system.

15 (2)(a) Ten percent of the annual General Fund appropriation to the  
16 Community-based Juvenile Services Aid Program, excluding administrative  
17 budget funds, shall be set aside for the development of a common data set  
18 and evaluation of the effectiveness of the Community-based Juvenile  
19 Services Aid Program. The intent in creating this common data set is to  
20 allow for evaluation of the use of the funds and the effectiveness of the  
21 programs or outcomes in the Community-based Juvenile Services Aid  
22 Program.

23 (b) The common data set shall be developed and maintained by the  
24 commission and shall serve as a primary data collection site for any  
25 intervention funded by the Community-based Juvenile Services Aid Program  
26 designed to serve juveniles and deter involvement in the formal juvenile

1 justice system. The commission shall work with agencies and programs to  
2 enhance existing data sets. To ensure that the data set permits  
3 evaluation of recidivism and other measures, the commission shall work  
4 with the Office of Probation Administration, juvenile diversion programs,  
5 law enforcement, the courts, and others to compile data that demonstrates  
6 whether a youth has moved deeper into the juvenile justice system. The  
7 University of Nebraska at Omaha, Juvenile Justice Institute, shall assist  
8 with the development of common definitions, variables, and training  
9 required for data collection and reporting into the common data set by  
10 juvenile justice programs. The common data set maintained by the  
11 commission shall be provided to the University of Nebraska at Omaha,  
12 Juvenile Justice Institute, to assess the effectiveness of the Community-  
13 based Juvenile Services Aid Program.

14 (c) Providing the commission access to records and information for,  
15 as well as the commission granting access to records and information  
16 from, the common data set is not a violation of confidentiality  
17 provisions under any law, rule, or regulation if done in good faith for  
18 purposes of evaluation. Records and documents, regardless of physical  
19 form, that are obtained or produced or presented to the commission for  
20 the common data set are not public records for purposes of sections  
21 84-712 to 84-712.09.

22 (d) The ten percent of the annual General Fund appropriation to the  
23 Community-based Juvenile Services Aid Program, excluding administrative  
24 budget funds, shall be appropriated as follows: In fiscal year 2015-16,  
25 seven percent shall go to the commission for development of the common  
26 data set and three percent shall go to the University of Nebraska at  
27 Omaha, Juvenile Justice Institute, for evaluation. In fiscal year  
28 2016-17, six percent shall go to the commission for development and  
29 maintenance of the common data set and four percent shall go to the  
30 University of Nebraska at Omaha, Juvenile Justice Institute, for  
31 evaluation. Every fiscal year thereafter, beginning in fiscal year

1 2017-18, five percent shall go to the commission for development and  
2 maintenance of the common data set and five percent shall go to the  
3 University of Nebraska at Omaha, Juvenile Justice Institute, for  
4 evaluation.

5 (e) The remaining funds in the annual General Fund appropriation to  
6 the Community-based Juvenile Services Aid Program shall be apportioned as  
7 aid to counties and federally recognized or state recognized Indian  
8 tribes in accordance with a ~~formula established in~~ rules and regulations  
9 adopted and promulgated by the commission that consider the difference  
10 among counties and Indian tribes in population, geography, and the  
11 availability of local resources with a goal of distribution across the  
12 state. ~~The formula shall be based on the total number of residents per~~  
13 ~~county and federally recognized or state-recognized Indian tribe who are~~  
14 ~~twelve years of age through eighteen years of age and other relevant~~  
15 ~~factors as determined by the commission.~~ The commission may require a  
16 local match of up to forty percent from the county, multiple counties,  
17 federally recognized or state-recognized Indian tribe or tribes, or any  
18 combination of the three which is receiving aid under such program. Any  
19 local expenditures for community-based programs for juveniles may be  
20 applied toward such match requirement.

21 (3)(a) In distributing funds provided under the Community-based  
22 Juvenile Services Aid Program, aid recipients shall prioritize programs  
23 and services that will divert juveniles from the juvenile justice system,  
24 address issues of excessive absenteeism, reduce the population of  
25 juveniles in juvenile detention and secure confinement, and provide  
26 prevention, intervention, and re-entry services to youth and families at  
27 risk of, involved in, and transitioning out of juvenile justice system  
28 involvement ~~assist in transitioning juveniles from out-of-home~~  
29 ~~placements.~~

30 (b) Funds received under the Community-based Juvenile Services Aid  
31 Program shall be used exclusively to assist the aid recipient in the

1 implementation and operation of programs or the provision of services  
2 identified in the aid recipient's comprehensive juvenile services plan,  
3 including programs for local planning and service coordination;  
4 screening, assessment, and evaluation; juvenile diversion; family  
5 diversion; excessive absenteeism diversion; alternatives to detention;  
6 family support services; treatment services; excessive absenteeism  
7 truancy prevention and intervention programs for all school-aged youth;  
8 pilot projects approved by the commission; payment of transportation  
9 costs to and from placements, evaluations, or services; personnel when  
10 the personnel are aligned with evidence-based treatment principles,  
11 programs, or practices; contracting with other state agencies or private  
12 organizations that provide evidence-based treatment or programs;  
13 preexisting programs that are aligned with evidence-based practices or  
14 best practices; and other services that will positively impact juveniles  
15 and families in or at risk of entering the juvenile justice system.

16 (c) Funds received under the Community-based Juvenile Services Aid  
17 Program may be used one time by an aid recipient:

18 (i) To convert an existing juvenile detention facility or other  
19 existing structure for use as an alternative to detention as defined in  
20 section 43-245;

21 (ii) To invest in capital construction, including both new  
22 construction and renovations, for a facility for use as an alternative to  
23 detention; or

24 (iii) For the initial lease of a facility for use as an alternative  
25 to detention.

26 (d) Funds received under the Community-based Juvenile Services Aid  
27 Program shall not be used for the following:

28 (i) Construction of secure detention facilities, secure youth  
29 treatment facilities, or secure youth confinement facilities;

30 (ii) Capital construction or the lease or acquisition of facilities  
31 beyond the one-time use described in subdivision (3)(c) of this section;

1 (iii) Programs, services, treatments, evaluations, or other  
2 preadjudication services that are not based on or grounded in evidence-  
3 based practices, principles, and research, except that the commission may  
4 approve pilot projects that authorize the use of such aid; or

5 (iv) Office equipment, office supplies, or office space.

6 (e) Any aid not distributed to counties or tribes under this  
7 subsection ~~may shall~~ be retained by the commission to implement pilot  
8 projects, program development trainings, or other statewide initiatives  
9 for the statewide benefit of counties and Indian tribes. The commission  
10 may also award any funds that are unspent, returned, de-obligated, or not  
11 distributed under this subsection to any new or existing grant recipient  
12 under the Community-based Juvenile Services Aid Program with an exhibited  
13 need for additional funds ~~be distributed on a competitive basis under the~~  
14 ~~Community-based Juvenile Services Aid Program for a county, multiple~~  
15 ~~counties, federally recognized or state-recognized Indian tribe or~~  
16 ~~tribes, or any combination of the three demonstrating additional need in~~  
17 ~~the funding areas identified in this subsection.~~

18 (f) If a county, multiple counties, or a federally recognized or  
19 state-recognized Indian tribe or tribes is denied aid under this section  
20 or receives no aid under this section, the entity may request an appeal  
21 pursuant to the appeal process in rules and regulations adopted and  
22 promulgated by the commission. The commission shall establish appeal and  
23 hearing procedures by December 15, 2014. The commission shall make appeal  
24 and hearing procedures available on its web site.

25 (4)(a) Any recipient of aid under the Community-based Juvenile  
26 Services Aid Program shall electronically file an annual report as  
27 required by rules and regulations adopted and promulgated by the  
28 commission. Any program funded through the Community-based Juvenile  
29 Services Aid Program that served juveniles shall report data on the  
30 individual youth served. Any program that is not directly serving youth  
31 shall include program-level data. In either case, data collected shall

1 include, but not be limited to, the following: The type of juvenile  
2 service, how the service met the goals of the comprehensive juvenile  
3 services plan, demographic information on the juveniles served, program  
4 outcomes, the total number of juveniles served, and the number of  
5 juveniles who completed the program or intervention.

6 (b) Any recipient of aid under the Community-based Juvenile Services  
7 Aid Program shall be assisted by the University of Nebraska at Omaha,  
8 Juvenile Justice Institute, in reporting in the common data set, as set  
9 forth in the rules and regulations adopted and promulgated by the  
10 commission. Community-based aid utilization and evaluation data shall be  
11 stored and maintained by the commission.

12 (c) Evaluation of the use of funds and the evidence of the  
13 effectiveness of the programs shall be completed by the University of  
14 Nebraska at Omaha, Juvenile Justice Institute, specifically:

15 (i) The varying rates of recidivism, as defined by rules and  
16 regulations adopted and promulgated by the commission, and other measures  
17 for juveniles participating in community-based programs; and

18 (ii) Whether juveniles are sent to staff secure or secure juvenile  
19 detention after participating in a program funded by the Community-based  
20 Juvenile Services Aid Program.

21 (5) The commission shall report annually to the Governor and the  
22 Legislature on the distribution and use of funds for aid appropriated  
23 under the Community-based Juvenile Services Aid Program. The report shall  
24 include, but not be limited to, an aggregate report of the use of the  
25 Community-based Juvenile Services Aid Program funds, including the types  
26 of juvenile services and programs that were funded, whether any  
27 recipients used the funds for a purpose described in subdivision (3)(c)  
28 of this section, demographic information on the total number of juveniles  
29 served, program success rates, the total number of juveniles sent to  
30 secure juvenile detention or residential treatment and secure  
31 confinement, and a listing of the expenditures of all counties and

1 federally recognized or state-recognized Indian tribes for detention,  
2 residential treatment, and secure confinement. The report submitted to  
3 the Legislature shall be submitted electronically.

4 (6) The commission shall adopt and promulgate rules and regulations  
5 for the Community-based Juvenile Services Aid Program in consultation  
6 with the Director of the Community-based Juvenile Services Aid Program,  
7 the Director of Juvenile Diversion Programs, the Office of Probation  
8 Administration, the Nebraska Association of County Officials, and the  
9 University of Nebraska at Omaha, Juvenile Justice Institute. The rules  
10 and regulations shall include, but not be limited to:

11 (a) The required elements of a comprehensive juvenile services plan  
12 and planning process;

13 (b) The Community-based Juvenile Services Aid Program ~~formula~~,  
14 review process, match requirements, and fund distribution. The  
15 distribution process shall ensure a conflict of interest policy;

16 (c) A distribution process for funds retained under subsection (3)  
17 of this section;

18 (d) A plan for evaluating the effectiveness of plans and programs  
19 receiving funding;

20 (e) A reporting process for aid recipients;

21 (f) A reporting process for the commission to the Governor and  
22 Legislature. The report shall be made electronically to the Governor and  
23 the Legislature; and

24 (g) Requirements regarding the use of the common data set.

25 Sec. 17. Section 43-2404.03, Reissue Revised Statutes of Nebraska,  
26 is amended to read:

27 43-2404.03 It is the intent of the Legislature to appropriate five  
28 million dollars each fiscal year through fiscal year 2022-23 and eight  
29 million five hundred thousand dollars for fiscal year 2023-24 and each  
30 fiscal year thereafter to the Community-based Juvenile Services Aid  
31 Program.

1           Sec. 19. Section 43-2409, Revised Statutes Cumulative Supplement,  
2   2020, is amended to read:

3           43-2409 (1) The coalition shall review periodically the performance  
4   of eligible applicants participating under the Commission Grant Program  
5   and the federal act to determine if substantial compliance criteria are  
6   being met. The commission shall establish criteria for defining  
7   substantial compliance.

8           ~~(2) Grants received by an eligible applicant under the Commission~~  
9   ~~Grant Program shall not be used to replace or supplant any funds~~  
10   ~~currently being used to support existing programs for juveniles.~~

11           (2) (3) Grants received under the Commission Grant Program shall not  
12   be used for capital construction or the lease or acquisition of  
13   facilities except as provided in subdivision (3)(c) of section  
14   43-2404.02.

15           Sec. 29. (1) On and after July 1, 2023, there is established within  
16   the Nebraska Commission on Law Enforcement and Criminal Justice the  
17   position of Director of Absenteeism Prevention and Intervention Programs  
18   to be appointed by the executive director of the commission. The Director  
19   of Absenteeism Prevention and Intervention Programs shall be supervised  
20   by the Director of the Community-based Juvenile Services Aid Program.

21           (2) The Director of Absenteeism Prevention and Intervention Programs  
22   shall be responsible for developing, fostering, promoting, researching,  
23   and assessing new and existing excessive absenteeism prevention and  
24   intervention programs in collaboration with cities and counties. The  
25   director shall:

26           (a) In collaboration with the State Department of Education, provide  
27   technical assistance and guidance to excessive absenteeism prevention and  
28   intervention programs, school districts, and county attorneys for  
29   implementing evidence-based strategies or standardized, replicable  
30   practices that have been researched and have demonstrated positive  
31   outcomes;

1           (b) Establish baseline program guidelines based on evidence-based  
2 practices, principles, programs, and research; develop data collection  
3 and evaluation protocols; oversee statewide data collection; and generate  
4 an annual report on excessive absenteeism prevention and intervention  
5 programs;

6           (c) Develop relationships and collaborate with juvenile justice  
7 stakeholders; provide education and training as necessary; and serve on  
8 boards and committees when approved by the commission;

9           (d) Facilitate consistent communication and information-sharing  
10 among excessive absenteeism prevention and intervention programs;

11           (e) Assist program directors, county attorneys, school districts,  
12 and county boards in developing policies and practices that achieve the  
13 goals of quality excessive absenteeism prevention and intervention  
14 programs;

15           (f) Assist in comprehensive community planning efforts as they  
16 relate to the development of excessive absenteeism prevention and  
17 intervention programs;

18           (g) Develop and coordinate a statewide working group as a  
19 subcommittee of the Nebraska Coalition for Juvenile Justice to assist in  
20 regular strategic planning related to supporting, funding, monitoring,  
21 and evaluating the effectiveness of plans and programs receiving funds  
22 from the Community-based Juvenile Services Aid Program; and

23           (h) Assist the Director of the Community-based Juvenile Services Aid  
24 Program in the review of Community-based Juvenile Services Aid Program  
25 applications as provided in section 43-2404.02.

26           2. Renumber the remaining sections and correct the repealer  
27 accordingly.