

AMENDMENTS TO LB253

Introduced by Judiciary.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. For purposes of sections 1 to 7 of this act:

4 (1) Case plan means a set of goals, conditions, and programs that
5 is:

6 (a) Based on a professional risk and needs assessment;

7 (b) Tailored to the specific risks and needs of the veteran; and

8 (c) Developed in collaboration with the veteran;

9 (2) Condition from military service means substance-use disorder,
10 military sexual trauma, traumatic brain injury, post-traumatic stress
11 disorder, or another mental health condition that is related to an
12 individual's military service in some manner and includes psychological
13 effects from a veteran's time in service as well as from the period of
14 family separation related to deployment;

15 (3) Veteran means an individual who:

16 (a) Is serving in the United States Armed Forces, including any
17 reserve component or the National Guard;

18 (b) Has served in such armed forces and was discharged or released
19 from such service under conditions other than dishonorable; or

20 (c) Has served in such armed forces and received a dishonorable
21 discharge and such individual has been diagnosed with substance-use
22 disorder, military sexual trauma, traumatic brain injury, post-traumatic
23 stress disorder, or another mental health condition; and

24 (4) Veteran justice program means the program described in sections
25 2 to 5 of this act through which a veteran may request a court to defer
26 entry of judgment of conviction for an offense pending completion of the
27 program, and upon successful completion, avoid entry of judgment of

1 conviction.

2 Sec. 2. (1) The probation administrator shall create a veteran
3 justice program as provided in sections 2 to 5 of this act and subject to
4 the Supreme Court's rules. The program shall be available in every
5 district court and county court.

6 (2) A veteran justice program shall be operated by use of deferred
7 judgments under section 29-2292, except that subdivisions (2)(a), (b),
8 and (c) of such section shall not apply.

9 Sec. 3. (1) A veteran shall be eligible to participate in a veteran
10 justice program if there is reason to believe that a condition from
11 military service contributed to the offense.

12 (2)(a) There shall be a rebuttable presumption that a veteran
13 eligible under subsection (1) of this section shall be allowed to
14 participate in a veteran justice program.

15 (b) This presumption applies even though a veteran may have
16 previously absconded from or violated pretrial release, probation,
17 parole, supervised release, or another form of court-ordered supervision,
18 including a violation arising from commission of a new offense or an
19 offense committed while previously participating in a veteran justice
20 program.

21 (c) The presumption shall only be overcome by a judicial finding,
22 based upon an individualized assessment of the veteran and consideration
23 of the supervision, treatment, and other programming available in the
24 community, that participation in the veteran justice program will not
25 reasonably ensure public safety.

26 Sec. 4. (1) A veteran justice program shall include the following
27 elements:

28 (a) Evidence-based treatment tailored to address the specific
29 challenges facing veterans, such as post-traumatic stress disorder,
30 traumatic brain injury, military sexual trauma, or another condition from
31 military service; and

1 (b) A case plan that:

2 (i) Is developed by the court with probation and appropriate
3 experts;

4 (ii) Is based on a professional assessment of the veteran's specific
5 risks and needs;

6 (iii) Is created in conjunction with input from the veteran;

7 (iv) Contains clear and individualized supervision and treatment
8 goals, including guidelines that detail the program rules, consequences
9 for violating the rules, and incentives for compliance; and

10 (v) Is communicated to the veteran at the start of the program.

11 (2) In the implementation of a veteran justice program, the district
12 court or county court shall retain discretion in:

13 (a) Determining eligibility for participation, subject to section 3
14 of this act;

15 (b) Establishing the conditions of the program, including the
16 creation of the case plan;

17 (c) Setting the terms of successful program completion and release
18 upon that successful completion; and

19 (d) Determining if the veteran has successfully completed the
20 program at a final hearing.

21 (3) A victim of the veteran shall have the opportunity to be
22 involved in the veteran justice program, including the opportunity to be
23 heard or submit a written statement at the final hearing where program
24 completion is determined.

25 (4) Upon successful completion of a veteran justice program, the
26 veteran shall be entitled to the relief provided for a deferred judgment
27 under section 29-2292.

28 Sec. 5. (1) When arraigning any defendant, the court shall offer the
29 defendant the ability to communicate his or her veteran status through
30 counsel or by other means. The court shall not require that the defendant
31 self-identify as a veteran in open court.

1 (2) When sentencing a defendant who is a veteran for any offense,
2 the court shall recognize the defendant's veteran status as a mitigating
3 factor in determining the sentence.

4 (3) The court shall consider a defendant's veteran status as a
5 mitigating factor in addition to any other mitigating factors provided by
6 law or considered by the court. The fact that a defendant may have
7 suffered trauma unrelated to military service or veteran status shall not
8 be used to deny the impact of any military trauma or condition of
9 military service.

10 (4) The court may take into consideration individual merit earned
11 during military service, overseas deployment, exposure to danger, and
12 service-connected disability ratings when considering sentencing
13 mitigation. When considering multiple factors, a court should give
14 additional credit for each factor.

15 (5) Unless the court finds that imprisonment is necessary for the
16 protection of the public, a sentence of imprisonment is inappropriate if
17 a veteran can show:

18 (a) A clear connection between the offense and a condition from
19 military service; and

20 (b) That the veteran has made progress in treating such condition.

21 (6) The court shall not:

22 (a) Use veteran status as an aggravating factor; or

23 (b) Require a connection between the offense and a condition from
24 military service in order to consider veteran status as a mitigating
25 factor.

26 (7) This section applies regardless of whether a veteran is eligible
27 for participation in a veteran justice program.

28 Sec. 6. (1) Law enforcement, court, and correctional personnel shall
29 verify the veteran status of any individual being processed through the
30 criminal justice system in order to identify individuals who may be
31 eligible for participation in a veteran justice program or for sentencing

1 mitigation as provided in section 5 of this act.

2 (2) Law enforcement, court, and correctional personnel shall receive
3 training designed to increase their understanding of cases involving
4 veterans, including veterans' exposure to violence and trauma. Such
5 training shall include attention on issues that disproportionately impact
6 female veterans, such as military sexual trauma.

7 Sec. 7. (1) The State Court Administrator shall compile information
8 on the number of veterans receiving, successfully completing, declining,
9 and denied participation in a veteran justice program and the sentencing
10 mitigation described in section 5 of this act.

11 (2) The State Court Administrator shall track outcomes among
12 veterans who participate in a veteran justice program, including
13 completion status, recidivism, and housing and employment status.

14 (3) Data collected under this section shall be disaggregated by
15 race, ethnicity, gender, age, military discharge characterization, and
16 the offense involved.

17 (4) On or before July 1, 2026, and on or before each July 1
18 thereafter, the State Court Administrator shall electronically submit a
19 report to the Judiciary Committee of the Legislature. The report shall
20 contain de-identified data collected pursuant to this section and shall
21 analyze the outcomes, successes, and areas for improvement of the veteran
22 justice programs and the sentencing mitigation described in section 5 of
23 this act.

24 Sec. 8. This act becomes operative on July 1, 2025.