

AMENDMENTS TO LB253

(Amendments to Standing Committee amendments, AM2978)

Introduced by Lowe, 37.

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

3 Section 1. For purposes of sections 1 to 6 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 4 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

1 program, and upon successful completion, avoid entry of judgment of
2 conviction.

3 Sec. 2. (1) A veteran justice program shall be operated by use of
4 deferred judgments under section 29-2292, except as otherwise provided in
5 this section or the rules established by the Supreme Court.

6 (2) The Supreme Court shall establish rules for the creation and
7 operation of veteran justice programs. Such rules shall provide for the
8 following:

9 (a) Eligibility for participation, subject to subsection (3) of this
10 section;

11 (b) Screening and referral of eligible veterans;

12 (c) Establishing the conditions of the program, including the
13 creation of case plans;

14 (d) Establishing procedures for imposing sanctions or termination
15 from the program;

16 (e) Setting the terms of successful program completion and release
17 upon that successful completion; and

18 (f) Determining whether the veteran has successfully completed the
19 program at a final hearing.

20 (3) A veteran shall not be eligible for participation if any offense
21 charged:

22 (a) Is in violation of section 60-6,196 or 60-6,197 or a city or
23 village ordinance enacted in conformance with section 60-6,196 or
24 60-6,197 and such veteran does not hold a commercial driver's license or
25 a CLP-commercial learner's permit;

26 (b) Is a violation of any state or local traffic control law, except
27 a parking, vehicle weight, or vehicle defect violation, and such veteran
28 holds a commercial driver's license or a CLP-commercial learner's permit;

29 (c) Involves a victim who is an intimate partner as defined in
30 section 28-323;

31 (d) Includes an element of sexual contact or sexual penetration as

1 such terms are defined in section 28-318; or

2 (e) Is not eligible for probation.

3 (4) Prior to establishing the rules provided for in this section,
4 the Supreme Court shall establish an advisory committee to make
5 recommendations. The committee shall consist of the following members,
6 appointed by the Supreme Court:

7 (a) Three county attorneys;

8 (b) Three criminal defense attorneys;

9 (c) Three members of the Legislature; and

10 (d) Three members of the public who have prior military experience.

11 (5) Upon finalization of the rules, the probation office in each
12 judicial district shall establish a veteran justice program for such
13 district.

14 Sec. 3. (1) Subject to section 2 of this act, a veteran shall be
15 eligible to participate in a veteran justice program if the court finds
16 that the veteran has shown, by a preponderance of the evidence, that a
17 condition from military service contributed to the offense.

18 (2)(a) There shall be a rebuttable presumption that a veteran
19 eligible under subsection (1) of this section and the rules established
20 under section 2 of this act shall be allowed to participate in a veteran
21 justice program.

22 (b) This presumption applies even though a veteran may have
23 previously absconded from or violated pretrial release, probation,
24 parole, supervised release, or another form of court-ordered supervision,
25 including a violation arising from commission of a new offense or an
26 offense committed while previously participating in a veteran justice
27 program.

28 (c) The presumption shall only be overcome by a procedure set forth
29 in the rules established under section 2 of this act.

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

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

5 (b) A case plan that:

6 (i) Is developed by the court with probation and appropriate
7 experts;

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

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

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

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

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

17 (a) Determining eligibility for participation, subject to sections 2
18 and 3 of this act;

19 (b) Establishing the conditions of the program, including the
20 creation of the case plan;

21 (c) Setting the terms of successful program completion and release
22 upon that successful completion; and

23 (d) Determining whether the veteran has successfully completed the
24 program at a final hearing.

25 (3) A victim of the veteran shall be notified of the veteran's
26 participation in the program and shall have the opportunity to be
27 involved in the veteran justice program, including the opportunity to be
28 heard or submit a written statement at the final hearing where program
29 completion is determined. The victim shall be notified at least fifteen
30 days prior to such final hearing. If the victim is not present at the
31 hearing, probation shall notify the court of any known objections to

1 dismissal by the victim. The judge shall consider the victim's statement,
2 harm caused to the victim, and potential future harm to the victim or
3 community when determining program completion.

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

7 Sec. 5. (1) Law enforcement, court, and correctional personnel shall
8 verify the veteran status of any individual being processed through the
9 criminal justice system in order to identify individuals who may be
10 eligible for participation in a veteran justice program.

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

16 Sec. 6. (1) The State Court Administrator shall compile information
17 on the number of veterans receiving, successfully completing, declining,
18 and denied participation in a veteran justice program.

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

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

25 (4) On or before July 1, 2026, and on or before each July 1
26 thereafter, the State Court Administrator shall electronically submit a
27 report to the Judiciary Committee of the Legislature. The report shall
28 contain de-identified data collected pursuant to this section and shall
29 analyze the outcomes, successes, and areas for improvement of the veteran
30 justice programs.

31 Sec. 7. Section 29-2260, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 29-2260 (1) Whenever a person is adjudicated to be as described in
3 subdivision (1), (2), (3)(b), or (4) of section 43-247, his or her
4 disposition shall be governed by the Nebraska Juvenile Code.

5 (2) Whenever a court considers sentence for an offender convicted of
6 either a misdemeanor or a felony for which mandatory or mandatory minimum
7 imprisonment is not specifically required, the court may withhold
8 sentence of imprisonment unless, having regard to the nature and
9 circumstances of the crime and the history, character, and condition of
10 the offender, the court finds that imprisonment of the offender is
11 necessary for protection of the public because:

12 (a) The risk is substantial that during the period of probation the
13 offender will engage in additional criminal conduct;

14 (b) The offender is in need of correctional treatment that can be
15 provided most effectively by commitment to a correctional facility; or

16 (c) A lesser sentence will depreciate the seriousness of the
17 offender's crime or promote disrespect for law.

18 (3) The following grounds, while not controlling the discretion of
19 the court, shall be accorded weight in favor of withholding sentence of
20 imprisonment:

21 (a) The crime neither caused nor threatened serious harm;

22 (b) The offender did not contemplate that his or her crime would
23 cause or threaten serious harm;

24 (c) The offender acted under strong provocation;

25 (d) Substantial grounds were present tending to excuse or justify
26 the crime, though failing to establish a defense;

27 (e) The victim of the crime induced or facilitated commission of the
28 crime;

29 (f) The offender has compensated or will compensate the victim of
30 his or her crime for the damage or injury the victim sustained;

31 (g) The offender has no history of prior delinquency or criminal

1 activity and has led a law-abiding life for a substantial period of time
2 before the commission of the crime;

3 (h) The crime was the result of circumstances unlikely to recur;

4 (i) The character and attitudes of the offender indicate that he or
5 she is unlikely to commit another crime;

6 (j) The offender is likely to respond affirmatively to probationary
7 treatment;~~and~~

8 (k) Imprisonment of the offender would entail excessive hardship to
9 his or her dependents; and -

10 (l) The offender's prior military service and any service-related
11 trauma.

12 (4) When an offender who has been convicted of a crime is not
13 sentenced to imprisonment, the court may sentence him or her to
14 probation.

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

16 Sec. 9. Original section 29-2260, Reissue Revised Statutes of
17 Nebraska, is repealed.