

AMENDMENTS TO LB253

Introduced by Wayne, 13.

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, posttraumatic 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, posttraumatic
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 defer entry of judgment of
26 conviction for an offense pending completion of the program, and upon
27 successful completion, avoid entry of judgment of conviction.

1 Sec. 2. (1) Each district or county court shall establish a veteran
2 justice program as provided in sections 2 to 5 of this act and subject to
3 the Supreme Court's rules.

4 (2) A veteran justice program may be operated pursuant to a problem-
5 solving court or by use of deferred judgments under section 29-2292.

6 Sec. 3. (1) A veteran shall be eligible to participate in a veteran
7 justice program if:

8 (a) The offense is eligible for probation;

9 (b) The offense is not listed in subsection (2) of section 29-2292;
10 and

11 (c) There is reason to believe that a condition from military
12 service contributed to the offense.

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

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

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

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

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

1 military service; and

2 (b) A case plan that is:

3 (i) Developed by the court with probation and appropriate experts;

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

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

7 (iv) Containing 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) Communicated to the veteran at the start of the program.

11 (2) In the implementation of a veteran justice program, the district
12 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 set forth in the problem-solving
27 court program or pursuant to a deferred judgment under section 29-2292.

28 Sec. 5. (1) When sentencing a defendant who is a veteran for any
29 offense, a court shall recognize the defendant's veteran status as a
30 mitigating factor in determining the sentence.

31 (2) When arraigning any defendant, a court shall notify the

1 defendant that veteran status will be used as a mitigating factor as
2 provided in this section. The court shall offer the defendant the ability
3 to communicate his or her veteran status through counsel or by other
4 means. The court shall not require that the defendant self-identify as a
5 veteran in open court.

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

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

17 (5) A sentence of imprisonment is inappropriate in all but the most
18 severe cases if a veteran can show:

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

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

22 (6) A court shall not:

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

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

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

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

1 eligible for participation in a veteran justice program or for sentencing
2 mitigation as provided in section 5 of this act.

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

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

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

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

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

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