

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 19, 2025

**DeBOER:** Welcome, everyone, to the Judiciary Committee. I'm Senator Wendy DeBoer from Bennington-- actually, I'm from Omaha, representing the 10th Legislative District, and I serve as vice chair of this committee. The committee will take up the bills in the order posted. This public hearing is your opportunity to be a part of the legislative process and to express your opinion on the proposed legislation before us. If you're planning to testify today, please fill out one of the green testifier sheets that are on the table at the back of the room. Be sure to print clearly and fill it out completely. When it is your turn to come forward to testify, give the testifier sheet to the page or to the committee clerk. If you do not wish to testify but would like to indicate your position on a bill, there are also yellow sign-in sheets back on the table for each bill. These sheets will be included as an exhibit in the official hearing record. When you come up to testify, please speak clearly into the microphone. Tell us your name, and this is very important, spell your first and last name to ensure that we get an accurate record. We will begin each bill hearing today with the introducer's opening statement, followed by proponents of the bill, then opponents, and finally, by anyone wishing to speak in the neutral capacity. We will finish with the closing statement by the introducer if they wish to give one. We'll be using the 3-minute light system for all testifiers. When you begin your testimony, the light on the table will be green. When the yellow light comes on, you have 1 minute remaining, and the red light indicates you need to wrap up your final thought and stop. Questions from the committee may follow. Also, committee members may come and go during the hearing. This has nothing to do with the importance of the bills being heard. It is just part of the process, as senators may have bills to introduce in other committees. A few final items to facilitate today's hearing. If you have handouts or cop-- copies of your testimony, please bring at least 12 copies and give them to the page. Please silence and turn off your cell phones. Verbal outbursts or applause are not permitted in the hearing room. Such behavior may be cause for you to be asked to leave the hearing. Finally, committee procedures for all committees state that written position comments on a bill to be included in the record must be submitted by 8 a.m. the day of the hearing. The only acceptable method of submission is via the Legislature's website at [nebraskalegislature.gov](http://nebraskalegislature.gov). Written position letters will be included in the official hearing record, but only those testifying in person before the committee will be included on the committee statement. Also, you may submit a position comment for the record or testify in person, but not both. I will now have the

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committee members with us today introducing-- introduce themselves, starting on my left.

**HALLSTROM:** Thank you. Bob Hallstrom, Legislative District 1, representing Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties in southeast Nebraska.

**STORM:** Good afternoon, Jarod Storm, District 23, Butler, Saunders, Colfax County.

**STORER:** Good afternoon, Senator Tanya Storer. I represent District 43, 11 counties in north central Nebraska: Dawes, Sheridan, Cherry, Brown, Rock, Keya Paha, Boyd, Garfield, Loup, Blaine, and Custer.

**HOLDCROFT:** Rick Holdcroft, District 36, west and south Sarpy County.

**McKINNEY:** Good afternoon. Terrell McKinney, District 11, north Omaha.

**ROUNTREE:** Good afternoon. Victor Rountree, District 3, Belleview and Papillion.

**DeBOER:** Also assisting the committee today, to my left is our legal counsel, Tim Young. And you'll see also on some of the bills. Denny Vaggalis. So to my far right is our committee clerk, Laurie Vole-- Vollertsen. And our pages for the committee today are Ruby Kinzie and Albet-- Alberto Donis. Both are UNL students. With that, we'll begin today's hearing with LB219 and Senator George Dungan.

**DUNGAN:** Thank you. Good afternoon, Vice Chair DeBoer and Judiciary members. I am Senator George Dungan, G-e-o-r-g-e D-u-n-g-a-- D-u-n-g-a-n. I represent leg-- it's been a tough day. I represent Legislative District 26 in northeast Lincoln. And today, I am introducing LB219, which removes the minimum term of post-release supervision required for Class III and IIIA felonies. A minimum of 9 months of post-release supervision is mandatory, currently under the law for Class III and IIIA felonies. This was implemented as a part of LB605, back from 2015, which adopted recommendations from the Council on State Governments and the Justice Reinvestment Initiative Working Group. LB605 altered the classifications of penalt-- penalties, punishments, and probation and parole provisions, criminal records, and restitution provisions, and established a special legislative committee. The intent originally, with LB605, as those who might have been around at that time knew, was to create essentially a program that would help reintegrate folks into the community. There was an expressed concern, which we continue to have, and it's been an ongoing discussion about people who jam out, meaning they are simply released

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after serving their time and then are sent back into the community without any kind of assistance, reintegration, or supervision. And this has been an ongoing discussion I know this committee has had for time immemorial. The goal, as I understand it-- I was not here at the time-- was to create post-release supervision, where after an individual was incarcerated on certain offenses, they would essentially be supervised in the community by the probation office for a certain period of time. Class IV felonies, not what we're discussing today, but the lowest level felony that you can see, has an optional period of post-release supervision of zero on the bottom and up to 12 months total, so it's a 0-12. What that means is that a judge does not have to impose post-release supervision, but they may impose post-release supervision if they see fit. Class III and IIIA felonies, however, have a mandatory minimum of post-release supervision, meaning if a judge orders you to serve even 1 day in custody, then they have to order up to 9 months-- or mandatory 9 months of post-release supervision, and then up to either 18 months on a Class IIIA felony or 24 months on a Class III felony of post-release supervision. Once you're on post-release supervision, what this effectively does is it works like probation. You're supervised by a probation officer, and there's any number of obligations, rules, and other things that you have to do in order to continue to be in good standing with that supervision. If you violate your post-release supervision, then a motion to revoke your post-release supervision can be filed. If a court finds that you did, in fact, violate your post-release supervision, it can then be revoked and you can be ordered to serve a period of incarceration for any bit of the time that you were then placed on post-release supervision. So in practice, what this ultimately ends up meaning is that people are serving their time in custody, and then on some of these offenses, being given mandatory post-release supervision, which then if they're unsuccessful on that, the judge can then revoke it and they end up going back into either jail or prison, depending on how long the judge orders them to serve that sentence on the vi-- the violation. Here's where this gets complicated. When a judge sentences you to time in custody, they literally have to make a finding on the record that you are not a good candidate for probation. So in order to sentence you to jail and/or prison, they will often say out loud and in their sentencing order that you are not a candidate for probation for any number of reasons. Whether that's they don't think you'll be able to follow the rules, you've expressed that you don't want to be on probation, or that they don't believe that it's a good use of taxpayer dollars to try to supervise you through probation because it simply will not result in any kind of benefit to you or to the community. But then, on Class III

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and IIIA felonies only, after having literally just made a finding that you are not a good candidate for probation, we, the Legislature, mandate that they have to place you on post-release supervision once you're done with time in custody, which is essentially like placing you on probation in the first place. So there are certainly individuals who benefit from post-release supervision. And certainly, there are individuals for which post-release supervision is not just beneficial, but I think it can be necessary for reintegration into society. But what this bill seeks to do is to eliminate that mandatory minimum just on the Class III and IIIA felonies, to leave that discretion up to the judges who have had access to far more information than the Legislature has had on each individual case. This does not change the amount of time that they can give you post-release supervision. So let's say, for example, they want to sentence you to the max, everything possible on a Class IIIA felony, and you get 3 years in prison. They can still then give you 18 months of post-release supervision if they want to, or on a Class III felony, they can give you up to 4 years in prison, and then up to 24 months of post-release supervision if they choose to. But if, in the discretion of the justice, they believe that it's not going to be beneficial or that it's simply going to be a waste of taxpayer-- taxpayer time and money, they don't have to order you to do post-release supervision if this bill were adopted. So this is seeking to give that sort of flexibility to the courts, who have far more information about each individual incident than we do. I will tell you, in my anecdotal conversations with people across the entire spectrum, whether that is county attorneys or judges or court staff or probation officers, there has been, at least in my opinion, a prevailing sentiment that these mandatory requirements on post-release supervision has been a mistake. That is not to say that post-release supervision in its entirety is a mistake, but requiring that on these particular felonies, you have to serve the 9 months, has been problematic. And it's frankly resulted in far more people being placed on post-release supervision, being unable to cooperate with any of the terms and conditions of that post-release supervision, and then having it immediately revoked, which takes court time, because you have to go through the process of having the motion to revoke proba-- post-release supervision hearing. It takes county dollars, because you have a county attorney who gets assigned to that case. If the person is indigent, they can be assigned a public defender, which also takes county dollars. And then ultimately, these individuals end up, if they are sentenced, if it's revoked, going back either to prison or to county jails. And that's really where I think a lot of this comes down to, is it's a, it's a cost to the taxpayer by having these mandatory minimums in place. With that, I could, I could

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talk for a long time about this, but I think some people after me are going to talk a little bit more about the ins and outs of this. I did pass out a letter from the Lancaster County Attorney, Pat Condon. I just wanted to highlight that because it's always a great day when Mr. Condon and I are on the same page. And so he does, in that letter, express his support for LB219. He highlights, I think, in his experience as a prosecutor, the negative impact these mandatory minimums have had, specifically to county attorneys, but also to county jails. And so I, I think we're going to hear from the Lancaster County Jail Director a little bit later, about the impact that that has had, as well. With that, I'm happy to answer any questions, and I will stick around for closing.

**DeBOER:** All right. Thank you, Senator Dungan. Are there questions for Senator Dungan? We'll start with Senator Storm.

**STORM:** Thank you, Vice Chair Thank you, Senator Dungan. Can you give an example, what-- what's a Class III felony and-- or a Class IIIA felony?

**DUNGAN:** So I have a couple of those here. So generally speaking, Class IIIA felonies are going to be some enhanced misdemeanors, so like subsequence. Right? So if you are convicted of a, let's say, a violation of a protection order or a domestic assault, that's a Class I misdemeanor, but a subsequent offense, meaning it happens again, can be charged as a Class IIIA felony. There's also certain drug offenses and theft offenses that fall into the Class III and IIIA felonies. IIIA felonies can also be accessories to a Class II or a IIA felony. So it sort of creates this in-between range of enhanced offenses or accessories to more serious offenses. I don't have the entire list in front of me. Maybe some people after me can give you some different examples, but it's a whole litany of different things.

**STORM:** But they are the lower-tier felonies then. Right?

**DUNGAN:** Correct. Yes. So yeah. Class IV felonies are your lowest generally. And then you have IIIA, then III, and then you start to get into the II, IIA, I, more serious level.

**STORM:** OK. Thank you.

**DeBOER:** Thank you, Senator Storm. Senator Holdcroft.

**HOLDCROFT:** Thank you, Vice Chair DeBoer. So how does this interface with parole? I mean, what if they get parole and then-- does their probation then go away?

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**DUNGAN:** I'd, I'd have to-- no. Parole is a separate thing that happens, other than the post-release supervision. And I think maybe some folks after me can kind of talk about the interplay a little bit better there. But the post-release supervision is separate and apart from the jail sentence that you receive. So you have to serve your PRS once your sentence has been completed.

**DeBOER:** Thank you, Senator. Holdcraft-- croft. Other questions? Thank you, Senator Dungan. We'll have our first proponent. Welcome.

**SPIKE EICKHOLT:** Good afternoon, Vice Chair DeBoer and members of the committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm appearing on behalf of the Nebraska Criminal Defense Attorneys Association in support of LB219, and we want to thank Senator Dungan for introducing the bill. Senator Dungan explained what this bill does. And I just want to add a couple of things to what he said and maybe just repeat so the record is clear. When a court sentences somebody to a term of imprisonment, any term of imprisonment, whether it's jail or prison for a III or IIIA felony, the court has to also impose a term of post-release supervision that they-- the person begins serving when they are done with whatever sentence of imprisonment it is. To answer Senator Holdcroft's or to supplement the answer, there is no parole for III and IIIA felonies. Even if somebody goes to prison on a III or IIIA felony, when they get out and they're supervised, it's via post-release supervision and probation. There are ways for those lower-level felonies that you can be supervised per parole, but that's not what we're talking about now. The judges don't have any discretion for the post-release supervision. And that was a recommended change in 2015, when the Legislature looked at the problem with jam-outs, where you had people serving on these lower-level felonies, relatively short terms of imprisonment, and then just getting released. And the idea with post-release supervision is to have a mandatory period after incarceration where they would be supervised in a rehabilitative setting. The problem is that this doesn't work for everybody. As Senator Dungan mentioned before, there are some defendants who have no interest whatsoever in being on probation. There are some cases in which the courts would never place somebody on probation in any circumstance whatsoever, but they still have to do so after-- even if they impose a maximum sentence. What happens and you'll probably hear from the county jails, is that if a person has a pro-- post-release supervision revoked, even if they originally went to prison on a III or a IIIA, if they have less than a year to serve on post-release supervision and it's revoked, then it has to be served at the county jail. They can't go back to prison like you can on a parole revocation. That's county jail time. So what you

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have is you have a fairly significant number of people who are sentenced to post-release supervision, have no interest or ability-- because there are instances in which you have different cases in different counties, and you're going through one case at a time. You get a 6-month jail sentence in one county and then you get transported to another county to face your next case, and you're still on post-release supervision somehow, during all that. That's sort of the problem. This recommends-- this allows courts to order it when it's appropriate, case by case. And it doesn't remove the ability of judges to do that. It doesn't remove their power to revoke or set terms and conditions. It just says-- allows the courts to do it discretionarily, individual cases, as, as the courts typically do in most other circumstances. In 2019, the Legislature removed the required minimum for post-release supervision for Class IV felonies, and I think that's generally been a positive change. So for the last 5 years or so, that's what we've done for the Class IV felony, and this would do the same for III and IIAs. I'll answer any questions if anyone has any.

**DeBOER:** Thank you. Senator Hallstrom.

**HALLSTROM:** Yeah. Mr. Eickholt, if the 2015 recommendations were across the board, what's, what's changed and why wouldn't we continue to follow those recommendations?

**SPIKE EICKHOLT:** A couple of things. Some of the other changes were done to undo 2015 that we're not talking about now, which made it a little difficult. It's always been somewhat of a challenge with those more serious felonies where post-release supervision is not typically ordered in those, but parole is. In other words, somebody is getting sentenced on a Class IIA felony and a Class IIIA felony. And that's typical, to have multiple charges, particularly since we increase the penalties sometimes, arbitrarily. Just saying that. We do-- or the Legislature does, at least. So it's always been kind of a struggle figuring that out. There's a way in 29-2204, where the courts can either order post-release supervision or parole on those things, but it hasn't really worked as planned. I, I think that the intent was good, because we still have-- we cert-- certainly have a problem there. We still have a problem with the jam-outs, the relatively short period of time, and then people are just let onto the streets. But I think that there's just been perhaps an overcorrection in 2015, where it's mandated in every case, not discretionarily so, and that's just not made it workable. When they did the change in 2019 for Class IVs, there was some talk about lowering the minimum rather than have it just be none, and I think they ended up with having it being none.

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**HALLSTROM:** OK. So if we make this change, the judges-- I think Senator Dungan said the judges would have the discretion to still go up to that 12 months or whatever period.

**SPIKE EICKHOLT:** Right.

**HALLSTROM:** And, and the criminal defense attorneys are OK with that.

**SPIKE EICKHOLT:** Yeah. And there are many times where you'd use that to leverage something for your client. For instance, I've got somebody who's got 3 months' jail. I say, you know, he'd like to be out now. He's got this established-- why don't you put him on post-release for 24 months?

**HALLSTROM:** Well, in, in-- yes. In trying to find the consistency, we had a bill earlier this year, LB80, that provided for protection orders, a one-year period with the discretion for a second-year period. And your criminal defense attorney clients didn't trust the judges or didn't like the judges. I shouldn't say trust-- didn't like the judges having the discretion.

**SPIKE EICKHOLT:** Well, don't even say they don't like either, because they'll probably be watching. Well, I understand the point you made. The concern we have-- and perhaps I was inartful in my answer on LB80 when you raised that point, or when somebody raised that point. The concern we have with the protection orders, it, it just confounds the existing problem we have, when there is no defense for consensual contact or it's a strict liability, essentially, imposition on the defendants if they violate it. And that's just the concern we have, and that 2-year extension just intensifies that.

**HALLSTROM:** I just found it curious that in one case, discretion is, is hunky dory, and the other one it isn't so, isn't so much. So, at any rate, thank you.

**DeBOER:** Thank you, Senator Hallstrom. Other questions? Mr. Eickholt, so did I hear you say that there are cer-- there's at least the possibility or there have been circumstances in which one person is incarcerated for a violation in one county, serves that term, and then has the post-release because it's required, and then ends up in a jail in another county. And therefore, cannot serve their post-release in the first county?

**SPIKE EICKHOLT:** Yes. I mean--

**DeBOER:** Is that--

**SPIKE EICKHOLT:** --that's not that uncommon, especially in, in drug cases, where people who are traveling around and they get something seized from them in one county that's sent to the lab, and they're not immediately charged with it.

**DeBOER:** So the first county is trying to post-release supervision someone who is in jail in another county?

**SPIKE EICKHOLT:** Right. Yeah. The courts have to-- if somebody is sentenced in Lancaster County and the court is giving them a term of incarceration, even if it's a time served, I'm giving you 6 months and I'm giving you credit for the 6 months you've done in jail, I also have to put you on post-release supervision for 9 months on the following terms and conditions. And then when they are processed out of that jail, they are transported to whatever county they are lodged in. And if they can't make that bond, then they just sort of sit there.

**DeBOER:** So in that case, you literally cannot meet the terms or the conditions of your post-release supervision.

**SPIKE EICKHOLT:** Other than perhaps some of the basic ones like abstain from drugs and alcohol.

**DeBOER:** Right. Sure. But you can't do, you know, check-ins and that sort of thing.

**SPIKE EICKHOLT:** Right.

**DeBOER:** Well, that seems like a silly way to have things go. OK. Thank you. Other questions? Thank you. Before we get our next proponent, I promised to ask how many people are testifying on this bill so we can let Senator Spivey know when to come down for her bill? Anyone else going to testify on LB219? I don't see any. OK, so we just have one more. Welcome.

**BRAD JOHNSON:** Hi. Good afternoon, Vice Chair DeBoer and members of the Judiciary Committee. My name is Brad Johnson, spelled B-r-a-d J-o-h-n-s-o-n. I'm the director for the Lancaster County Department of direct-- Corrections. I'm here to testify in support of LB19 on behalf of the Lancaster County Board and my department. In 2015, LB605 was passed in an effort to reduce the population of Nebraska's prison system. The bill encompassed numerous reforms, all of which were initiated with good intentions. One of those intentions was to reduce the number of individuals who were jamming out of the prison system. As a result, mandatory post-release supervision, PRS, was built into

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the sentencing structure for all Class III and IV felonies. LB605 PRS mandate has had a significant impact on my department's population. We have tracked a number of PRS sanctions served in our facility since August of 2015 through December of 2024. There have been 2,314 distinct sanctions served, for a total of 34,841 days. This is an average of 15.05 days per sanction. Just last quarter, 11 individuals had their PRS revoked and were re-sentenced to my facility. These sentences totaled 1,871 days, for an average of 170 days per person. At the current per diem rate, PRS violations have cost Lancaster County property taxpayers a staggering \$4,703,535. The Legislature has since repealed the felony IV PRS mandate, and I ask the committee to support the repeal of the felony III PRS mandate, as well. In many cases, these individuals were not sentenced to probation originally because the court determined that the outcome would be unsuccessful. As a result, the court sentenced them to jail or prison sentences. However, even though the court determined probation would be unsuccessful in lieu of incarceration, LB605 still mandated the court to place all of these individuals on supervision at the back end of their incarceration. We supervise-- we-- when supervision, unsurprisingly, led to unsuccessful outcomes, these individuals are sentenced yet to another period of incarceration. LB219 takes the common-- commonsense approach of restoring sentencing discretion to the court, who is in the best possible position to determine the appropriate amount of supervision for each individual who comes before them. I firmly believe that supervision has value when applied thoughtfully, with a sober view of the prevailing circumstances. And I also trust the court to make that decision on a case-by-case basis. We ask you to please advance LB219 to empower judges to employ post-release supervision as a powerfully effective tool, instead of mandating individuals to be indiscriminately re-incarcerated. Thank you for the opportunity to testify, and for your service to the state. I'll answer any questions.

**DeBOER:** All right. Thank you. Are there questions? Senator Hallstrom.

**HALLSTROM:** Mr. Johnson, thank you. I probably should have asked Mr. Eickholt this, but in your opinion, if, if they still have-- the judges still have the discretion to go up to 12 months of post-supervision, whatever the time period is, are, are you concerned that they'll just rubber stamp it and do it in every case to the maximum?

**BRAD JOHNSON:** No, I, I, I do not believe that's the case. I don't think we've seen that with the repeal of the felony IVs at all, though.

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**HALLSTROM:** OK. Thank you.

**DeBOER:** Any other questions? All right. Thank you so much for being here. We'll take our next proponent. Next, we'll move to opponents. Is there anyone here who would like to testify in opposition to LB219? Is there anyone here who would like to testify in the neutral capacity? Seeing none, as Senator Dungan comes up, I will read for the record our position comments. We had 7 proponents, 5 opponents, and zero neutral. Senator Dungan.

**DUNGAN:** Thank you, Vice Chair DeBoer. And I want to say thank you to Mr. Eickholt, and also to Director Johnson for coming in and explaining a little bit more of this. I was just so excited when I started talking earlier, I think I plowed through a couple things. So I want to highlight a couple of points that I think I forgot to make. Just for those who are not as familiar with post-release supervision, I want to address a couple of the things that the director said, with regards to ways that individuals end up back in custody with post-release supervision. So I talked about the post-release supervision being revoked, which is a possibility if you don't follow the rules. But in addition to that, when you are on post-release supervision, let's say you mess up, but it's not that big of a deal. Your probation officer could administer what's called an administrative sanction, which is saying something to the effect of you're going to go get an additional evaluation, or you're going to agree to do some other term and condition, essentially as a punishment for messing up on your post release. The-- after a certain point in time, if you continue to mess up, they can then also issue what's called a custodial sanction. And the custodial sanction essentially is that you go and spend time in jail, which you can agree to, or you can say, I want a hearing on this and you can demand a hearing. But what that ultimately does, is it results in individuals then, who are still on post-release supervision, going back and spending 7 days, 14 days, 21 days in jail. That's part of what Director Johnson was talking about, with regards to this unfunded mandate. It's not just people who have their post-release supervision revoked. It's people who maybe are struggling on PRS, who then go into our local county jails and have to serve that time. In addition to that, if it is revoked, in a lot of these circumstances, like I talked about, the minimum is 9 months, which means if you get placed on PRS and you have 9 months' PRS, and you immediately mess up and they revoke it, that 9 months, as Mr. Eickholt said, is going to be spent in the county jail, not in the DCS facility. So what was originally maybe a charge that you spent time in state custody on, if you're 9 months' PRS is revoked, you're then going to the jails and spending money there, which does represent

really a very large unfunded mandate for-- especially some of the larger counties, but frankly, all the counties who have to then house those individuals. So I just wanted to kind of clarify the different ways that an individual ends up back in custody on a post-release supervision order. In addition to that, Senator Hallstrom, I appreciated your questions about some of the discretion in there. I will tell you, and again, this is anecdotal, but in my conversations with judges and especially judges' staff, I do not believe that they would just rubber stamp these to the max. I think there's enough of a concern being expressed of the current requirement that they place these folks on at least 9 months' post-release supervision when they don't want to do that. I think that reducing this and allowing them that discretion is going to result in the people that need to be on PRS being placed on PRS, but the other folks that the judges deem who will not be successful will not, I guess, bear that cost. So I really do think the judges are going to make the decisions based on what people actually can and cannot be successful on and what is a good use or not a good use of taxpayer money. I, I guess-- yeah. Those are the only questions I really wanted to address. It's, it's a very niche issue that we're talking about here. This is a very small fraction of the cases, but I think it will have a huge impact on judicial efficiency. I think it will have a significant impact on property tax, property tax dollars, especially in the larger counties. And I just would very much appreciate you advancing LB219 to the floor. With that, I'll answer any final questions.

**DeBOER:** OK. Are there questions? OK. We'll start with Senator Storer.

**STORER:** Thank you, Vice Chair. I- thank you, Senator Dungan. I guess I have-- help me understand your example, where if somebody is-- violates their PRO.

**DUNGAN:** PRS.

**STORER:** PRS?

**DUNGAN:** We just use the acronym because it's easier.

**STORER:** If they violate that and they would then end up back in the county jail, and that's problematic. But if-- how is this going to affect that situation?

**DUNGAN:** So-- and let me, I guess, I guess, clarify. If somebody is placed on PRS, and then they violate that PRS, yes, they might have to go spend that time in the county jail. The problem that we're talking

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about here are the folks who the judge didn't want to place on PRS in the first place, because they say this person's not going to be successful. I know that when this person gets out of custody and we place them on PRS-- by statute, we have to-- it's going to be 3 weeks, and then all of a sudden a violation is going to be filed because they're never going to follow along. Maybe they can't, maybe they don't want to, but they're never going to follow the terms and conditions of post-release supervision. But under the current law, in a Class III or a IIIA felony, they have to at least give them 9 months. So let's say a person gets out of state custody. They get out of the, the prison. They're placed on post-release supervision immediately. They never contact their officer. They never check in. They never do what they're supposed to do. Officer files what's called an abscond status, essentially, meaning they never showed up. I don't know where they're at. State files a motion to revoke their post-release supervision. Person gets picked up on a warrant. They ultimately get convicted, essentially, of that revocation of PRS. They go back and spend those 9 months possibly in jail. So the whole concept is we're trying to make it so those people, who wouldn't be successful in the first place, don't have to be placed on post-release supervision and then ultimately, end up in the county jails.

**STORER:** So what, what are the alternatives if they are not-- if they're not going to be able to meet or they're not deemed a good candidate for PRS, what is the alternative? They-- there is no post-release--

**DUNGAN:** Well, so, if the judge determines they're not a good candidate for PRS, yeah, the, the alternative would be they serve their sentence. And once they serve their sentence, they're done. But under this bill, they can still place them on post-release supervision if they want to. So this doesn't say-- we're not getting rid of post-release supervision. We're just allowing that discretion for the court to say, I think a person should be on post-release supervision for 18 months or 24 months, depending on the level of offense, but there's just no requirement that they have to put them on PRS in there.

**STORER:** And here's where I'm struggling--

**DUNGAN:** Mm-hmm.

**STORER:** --a little bit. The-- I feel like the argument here is that people who are, are mandatorily placed on PRS and are not good

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candidates and then violate it, and when they violate it, then they end up back in county jail.

**DUNGAN:** Mm-hmm.

**STORER:** Does that-- to me, just my common sense says that indicates that they're-- rather than PRS, we're just saying, you know, you're good to go. See you later, even though there is no transition period for you back into society and putting you through-- I'm going to, I'm going to relate PRS as a transition period, right?

**DUNGAN:** Mm-hmm. That was the goal, certainly.

**STORER:** Would that be right?

**DUNGAN:** That was the goal. Yeah.

**STORER:** So if we don't-- if, if we're saying that they're not good candidates because we think they're going to violate that so we'd rather see nothing, is that really helpful to them to transition back into society and-- that just feels like an extreme to the other side.

**DUNGAN:** No. And I, and I get what you're saying.

**STORER:** I don't know if that argument is sitting with me.

**DUNGAN:** No, I understand. So 2, 2 things I'll say to that. One, I think you're getting to the heart of the struggle here. Right? Like, you're, you're getting to what this committee and this Legislature, I think, has been fighting about or talking about for the last 10 years, which is we don't want people to jam out with no help. We don't want people to go into society without reintegration services. And so I think that was the original intention of, of PRS, was to give them that sort of bridge back into the community. The problem lies in the terms and conditions, often, of PRS, require things of people that can be difficult in certain situations. So let me say it this way. A violation of PRS doesn't just mean you broke the law. Right. So, like, if I'm on PRS, when I say a violation, that could be something as simple as I don't have a car, so I couldn't drive to the probation office to do my drug test. Or, for example, one of the terms and conditions oftentimes of PRS, is you have to either be employed or actively seeking employment or trying to work towards education. That can be difficult for some people, as well. So there's-- and, and I, I wish I had a PRS order for you here. I, I can get that to you. The judge will often read all the terms and conditions of a PRS order at the sentencing, and it takes like 5 to 6 minutes. So it can be really

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burdensome. And when somebody is transitioning out of custody-- and I've worked with these folks before. You know, oftentimes they may not have a car, they may not have a job. They may not even have a place to stay. And if they don't have a phone, it's very difficult for a probation officer to get a hold of them and say, hey, today's your random drug test. I need you to come in. So an abscond or a violation of PRS is not representative of somebody going out into the community and continuing to be a problem. It can be. And certainly, if somebody gets out and they commit a crime, that could be a violation. And that's a different population. But I think the folks that we're seeking to address here are these individuals who the judge says, because of your life situation, because you're unhoused or you don't have a job, what have you, you're probably not a good candidate for probation, because you're not going to be able to do it. Those are the people that it doesn't make sense to then place on PRS, because they are, just by virtue of their circumstance, going to immediately violate it. And so I think that's an important thing to delineate. But you're getting to the heart of it. How do we help these people?

**STORER:** Right. So it, it seems like we're just taking away everything.

**DUNGAN:** And we don't-- and I think that big picture, certainly we don't want to abandon folks. And that's why I would reiterate the same thing that I think Pat Condon said in his letter, Spike Eickholt said it earlier, everyone agrees that the concept of PRS was good, because we're trying to find better ways to reintegrate. And this kind of goes to Senator Hallstrom's point. You know, 10 years ago, we implemented these laws. That gives us enough time to see, are they working? And I think what we've seen in practice-- and I can tell you this genuinely as a practitioner, who's represented people on violations of post-release supervision. It is a very nuanced and complicated circumstance, where what was intended to be helpful has had some unintended consequences, specifically in the circumstances of these mandatory minimums. So if a judge thinks that those services are going to be helpful, and at sentencing, the defense attorney or the prosecutor says to the judge, you know, I know you're going to give him the full 3 years on this Class IIIA felony, but when he gets out, he wants help, Judge, or she wants help. They want some assistance and supervision. They can still order that 18 months' PRS or 9 months, whatever they want to. This just says in those circumstances where a person's life is going to make it difficult for them to comply, we're not going to create a mandate on them to do something they can't do, which then also has a negative impact on the counties.

**STORER:** I'm following you.

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**DUNGAN:** Yeah.

**STORER:** I-- my question is still then, then what?

**DUNGAN:** Then what do we do?

**STORER:** Then what?

**DUNGAN:** I, I am--

**STORER:** And for those individuals that-- yeah.

**DUNGAN:** Yeah. I'm happy to keep working on that. I think that that's what this committee probably struggles with all the time. And as a Legislature, I think we should keep trying to figure out what is the next thing we can do. Because folks on this committee, like Senator Holdcroft and others, I think have been working very hard to figure out some of these transitions. And I will be a partner in trying to find out what that looks like. I just think that you can't couple the "what next" with fixing a current problem that exists. I think we can do both at the same time.

**STORER:** Would it make any sense at all to just reduce the minimum?

**DUNGAN:** I think that having the mandatory minimum in the first place is the problem. Because on--the decision that a judge is making, of this individual before me is not a good candidate for probation, being mandated to then sentence them to any period of post-release supervision is inherently antithetical to that first decision. So I think that any mandatory minimum on this circumstance is problematic. And I want to be clear. I'm not trying to conflate this debate with mandatory minimums in general. I know once we start talking about mandatory minimums, it gets people's hackles up and it's a whole conversation. This is a very specific and nuanced area of penalties where I think the mandatory minimums don't make sense. And we can keep that separate from the larger conversation of do mandatory minimums work in the first place.

**STORER:** Thank you.

**DeBOER:** Senator Hallstrom.

**HALLSTROM:** Yeah, I think-- I appreciate you coming up and clarifying. And I wholeheartedly agree that judicial discretion will be carried out appropriately. And it sounds like if we get the protection order bill, we'll be on the same page on it, so thank you

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**DUNGAN:** Well, I will say, as Mr. Eickholt indicated, there are other issues in that bill, but I will not sidetrack this hearing too much with my thoughts on that bill, as well.

**HALLSTROM:** Thank you.

**DUNGAN:** Yep.

**DeBOER:** Thank you, Senator Hallstrom. So, Senator-- any other questions? Senator Dungan, I just want to reiterate-- because I understand why Senator Storer asked you the questions you did, because it is a little unclear that if they're violating, that doesn't mean that they're going out and doing something problematic to the community. It means maybe they're, they're not a good candidate for probation because they won't check in. They're just-- they just don't want to be supervised. Some people --

**DUNGAN:** Or they, or they can't.

**DeBOER:** Or they can't, and they'll have trouble checking in. So I understand that. Do judges look at this period of post-release supervision when they're trying to determine sentences? So, for example, might a judge say, OK, I think you should have 3 years, or I think you should have 2 years, but because I have to do that mandatory post-release supervision, I'm going to make it a year and a half, and then you'll have the mandatory post-release supervision. Whereas if we do the bill as you're saying, they're say, OK, now I can give this guy-- knowing he's not going to be a good candidate for post-relief, I'm going to give him no post-release supervision, but I'm going to give him a longer sentence. Do you think judges take that into consideration?

**DUNGAN:** I think they might. And I-- you know, I would never presume to know what the judges are always thinking. But certainly, I think that judges can and do take into consideration all of the relevant factors at sentencing. And so, you know, whether or not somebody is going to be placed on post-release supervision is a conversation that can be had at sentencing, certainly. And I know on Class IV felonies, where there is currently this discretion-- it's a 0-12 months on Class IV felonies. It's something that is talked about at sentencing. And I think it's something that would continue to be talked about of, you know, the 12 months post-release supervision, Judge, might be beneficial to my client for these different reasons. And so we're asking for a short term of incarceration and then allow him the opportunity to be supervised on post-release supervision, and so on

and so forth. So yeah, to your point, I do think that any and all relevant factors can be taken into consideration. And I, I just want to highlight, too, because you kind of brought this up, one last time. There are a number of individuals who struggle to be supervised, not out of a lack of desire, which is some of them. Some people just don't want to be supervised, and that's fair. But there's a number of people who just can't. And the amount of people that I've worked with or colleagues of mine have worked with or we've seen, who get out of custody and don't have an address. They literally are just living on their friends' couches for quite some time, or they're renting hotel rooms, which they can only have for a week at a time or 2 weeks at a time. They don't have a cell phone because they don't have money to pay for the cell plan. All of those factors make it incredibly difficult to be supervised at the level that is sometimes required under post-release supervision, not because the person doesn't want to be, but just because it's really hard to call somebody who you literally can't call. And so, there's are-- there are just certain circumstances that make it problematic.

**DeBOER:** So the original idea in LB605 was that we're going to provide them this post-release supervision so that we can help them transition back. But what you're saying is in some circumstances, it exacerbates the difficulty of transitioning back?

**DUNGAN:** I would agree with that, yes.

**DeBOER:** So then to Senator Storer's point, perhaps what we need to do is find some other helps that we can put in place. Obviously, that has nothing to do with your bill, but find some other helps to perhaps provide transitional housing and this sort of thing that would be beneficial in circumstances when post-relief is not going to be supervision-- beneficial. Is that kind of what you're saying?

**DUNGAN:** 100%. I mean, there are any number of studies that you can find, for example, that are going to show one of the best ways to decrease recidivism and keep people from going back into custody is give them somewhere to stay. Right. Like housing is just one of the most important issues we're talking about. So if we want to talk about ways to actually transition into the community, we can have that conversation, but I do think it's a separate conversation than what's contemplated by LB219. This seeks to fix a problem we currently know exists with the way we write the law. And then I think we can all work together moving forward to address those social issues and those systemic issues that we need to look at, with regards to other recidivism factors.

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**DeBOER:** Since LB605 intended this to be a transitional help, and it has turned out, in some cases, to be a transitional harm, then taking it away-- we're not taking away help for people who are transitioning, is what you're saying.

**DUNGAN:** Correct.

**DeBOER:** The judge will be able to say this is a-- this is actually going to harm you in your transition, not help you. So I'm going to not give you post-release. Is that--

**DUNGAN:** That's correct.

**DeBOER:** OK. Now I've got the argument. Thank you. Are there other questions? I don't see any. Thank you very much. That will end our hearing--

**DUNGAN:** Thank you.

**DeBOER:** --on LB219, and bring us to LB585, Senator Spivey. Welcome to the Judiciary Committee.

**SPIVEY:** I've been here before.

**DeBOER:** Well, welcome again. We welcome everyone.

**SPIVEY:** Thank you, Vice Chair DeBoer, and nice to see everyone on Judiciary, all committee members. I am Ashlei Spivey, A-s-h-l-e-i S-p-i-v-e-y, and I'm proud to represent Legislative District 13 in northeast and northwest Omaha. I'm here today to introduce to you all, LB585, which updates and strengthens Nebraska's Community-based Juvenile Services Aid Program. And I think this is kind of a-- I don't know who did the scheduling, but I think it's a great conversation to ducktail on what Senator Dungan talked about, as we know that we have and been struggling with juveniles being system-impacted across our state, especially in my home district, District 13. We have some of the highest juvenile arrest rates across the state that we're seeing. And whether we're talking about actual detention, probation or other touches, we know that this is a complex issue that needs our attention as a body. According to the Nebraska Crime Commission, juvenile arrest rates in the state exceeded 7,000 in 2022, with each detained youth costing over \$100,000 annually. So that means we are, again, having our kids system-impacted, being detained, and it's costing taxpayers money and, and causing, which I think is the biggest issue outside of the investment, that is creating a, a, a cycle for our kids. And we are continuing to then push them from juveniles to adult prison.

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Research from Annie E. Casey Foundation highlights that every dollar invested in prevention programs saves taxpayers up to \$7 in reduced incarceration and social services cost. Under the current Community-based Juvenile Services Grant Program, 3 times as much money was awarded for administration as mentoring programs, and 7 times as many counties used program resources for administration than for mentoring programs. So there's really an opportunity within this bill to just talk about an update, the use and investment again, so we can invest in the success and livelihood of not only our young people, but our community overall. As you look at this current funding model, 3 counties received the majority of the funds and then more than half of the counties receive, on average, about \$20,000. In fiscal year 2023, Community-based Juvenile Services Aid funded about 173 programs through 81 counties, awarding 61 grants at about \$6.5 million in total. And you do have this in the handout. I put some of the categories of which this funding went to. So, for example, I won't read the full list now. You all have that. But in fiscal year 2023, this aid program allocated about \$5.7 million. There is a gap in the funding that they use and reallocate if they don't spend it all, so that's why the numbers are different than the 6.5. But they spent about 1.47 on diversion, which is great, \$1.6 million for school-based programs, and then a little bit-- a lot of bit lower for mental health services, at \$489,000, and about \$31,000 for mentoring. And so this bill is really about updating some of the usage and allocation of this aid program to really invest again in the success of our young people. Some of the components in the bill that are present. It would reallocate 10% of the state juvenile aid funding to community-based organizations with budgets of \$1 million or less. Studies have shown that those scrappy organizations that are on the ground, on the front lines, are having outsized impact in addressing some of the most complex issues that we're seeing. It also talks about specifically reallocating that 10% to organizations located in qualified census tracts. And so, we can tie in some of the criteria with qualified census tracts and to those social drivers of health that are causing and giving the experience of our young people to be further detained and system-impacted. Some of these qualified census tracts are not just in Omaha. They also can be found in Adams County, Buffalo, Dakota, Dodge, Gage, Jefferson, Lancaster, Madison, Scotts Bluff, and Thurston Counties. So it does, again, allow for the intention of what's happening and tying together the full picture for our young people and investing specific dollars there. This bill also updates some language around how the usage of the funds can be administered. And so I added in language specifically around early intervention and prevention programs. Right now, as it's written, that young person or that program has to touch kids that are

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system-impacted. But we know that once a kid is already in the system, it can be harder, right, to change their trajectory and their experience, and so what are those opportunities to really invest in preventative measures that would allow for that young person to be successful and have a different course at life. It also provides some support to some of those smaller, community-based organizations around evaluation, leveraging the current relationship with UNO in the JJI Department. So I run a little bit larger nonprofit now, but a lot of the times as you are running a community-based organization, you get, say, private philanthropy dollars that come in. They don't fund evaluation. They want to fund just the program. They want to fund the activities that you're doing. And I think it's really important to tell that story of not just outcomes and outputs, but impact. And so, having UNO be on standby, if they so choose, to be able to help tell that story through qualitative or quantitative data, I think is important. And then I'll also update some of the considerations around how the Crime Commission would be able to, to allocate those dollars, and so things to consider around the budget size, does the staff have lived experience and understand what that young person is navigating, and so on and so forth. This bill does not create new taxes or financial burdens. It is reallocating existing funds to really improve efficiency. Some of the language that I want to uplift that I kind of touched on again was the early intervention, so you will see that in the bill. For every dollar invested in prevention, we save taxpayers money, whether that's from law enforcement, court costs, incarceration, changing a young person's life. And so, I really believe that the, the early intervention, before that young person is system-impact-- impacted will make a big difference. And I think as we, you know, are talking about this-- and I think it was a really great conversation that Senator Storer had. And the question that you asked Senator Dungan, it was like, we got to this point, but what does it look like to really address core root issue? And I think my bill is aiming to really help to create a different investment strategy around what does that look like? This bill is not saying that the counties are doing anything wrong or that the organizations that are currently receiving funding are not getting it right. I do believe, though, that government cannot solve this in itself and it shouldn't be the sole lead in thinking about how do we address the issues in front of us for juvenile justice. And so, this bill really aims at reallocating those funds to have community be-- community-based organizations be able to be their own grantees, and to manage that relationship of that funding to, again, not just support young people that are already system-impacted, but think ahead and address the core root issue. Go upstream, so that we're not just continuing to be in this cycle. Rural

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Nebraska counties do have smaller populations and more manageable caseloads, and so as you'll see in the second handout that I gave you that's stapled, it has allocations of funding based on county, so that you can see what does that look like and kind of where this distribution of money is going. I have talked to some of the folks that maybe will be here in opposition to this bill. I talked to some of the counties around their concern, as well as the Crime Commission. And what I've specifically talked to the Crime Commission is around an amendment on page 4, line 10, around better defining when a young person comes in contact with the system, what does that look like and how do you consider that in the formula that they're already using? So we're discussing that. And then to address the issues that will come up with the counties is that they don't want to lose funding. And we know everyone is talking about funding. And what does that look like to be able to have the resources needed to do the work that they're doing? And so in that second handout that is stapled, you will see the awards based on county, and then it also has it on tribe on the back, and then it also has the de-obligation. So if a county does not utilize their funding, they have to return it. And so I'm asking that 10% of the funding be spe-- be specifically carved out for community-based organizations to be able to access. And if you look at what the de-obligations are and there's a consistent trend and I didn't want to inundate you with papers, but it is about that 10%. So this would not take away from, for example, Lancaster County, who was spending their money and only had to give back about \$30,000. They are-- they're doing what they're need to do. I appreciate the effort and the, the thought leadership in this issue, but when you look at the counties that are not able to spend the money, there's an opportunity to really ensure that those types of funds-- and again, the numbers match up to be about that 10%, are utilized and the people that are closest to the issue that are most impacted, that have the brilliant ideas to help move the needle on this issue but don't always get the funding through the county, because it can be so competitive or they're just a scrappier organization that isn't seen as the, the right fit yet. And so I'm excited to be able to make these adjustments to the legislation, to be able to provide more opportunity for people that are interested, willing, and committed to solving the issues around our juvenile justice system. And I will be happy to answer any questions that you have.

**DeBOER:** Are there any questions for this-- Senator Storer.

**STORER:** Thank you, Vice Chair DeBoer. Welcome, Senator Spivey. So I'm trying to wrap my head a little bit around, around what-- what's really the intent of the bill is. And tell me if I am generally on

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track. So currently, the funds are being directed- going directly to counties.

**SPIVEY:** Correct.

**STORER:** What, what you'd like to see is 10% of those total general fund allocations carved out to go to a community-based program.

**SPIVEY:** Yeah, yes. And that they are eligible for that. So they would still follow the same process that the Crime Commission uses around evaluating programs. Is this a fit? So none of the requirements necessarily are changing, but it, it removes that kind of intermediary of it has to go to the county first and then to the community-based organization.

**STORER:** So I guess what, what do you see-- it-- are those county funds, in your opinion, not being utilized well? I mean, is there a problem with how that system is currently working that, that you've told me it's remedied to, to provide a nongovernment agency to do that work?

**SPIVEY:** Yeah, that's a great question. It's not that it's not working well. I think-- you don't always need an intermediary to access funds and to do the things that you need to do. And there are some community-based orgs here that can speak, too, that are receiving money from the county and like, the difference that it would make for them. You just see that if I am an organization, I can work directly with that entity to receive the funding. It doesn't always feel as efficient to have the county be that intermediary and then give out the dollars, when they can work directly with the Crime Commission that has been doing this work, has the evaluative tool for distrib-- distributing funds, as well, for them to access. And so, I think it's just about efficiencies and access to resources that make a difference.

**STORER:** So-- and you'd also mentioned that there are a certain amount of dollars that are-- that just go unused, that have to be returned, right--

**SPIVEY:** Mm-hmm.

**STORER:** --that some counties are just not-- what, what--

**SPIVEY:** Yes. And that is Appendix C in the stapled. And so, in 2023, that was about \$581,000 that was unobligated that went back into the fund. Mm-hmm.

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**STORER:** Would you be open to the idea that instead of a shall sort of mandating a 10% legislatively, that, that there be an approach that unused dollars or dollars that are returned are then opened up to be eligible for community-based services?

**SPIVEY:** Yeah, I would be absolutely open to that. The 10% carveout is about \$600,000, which, in general, I think we are underfunding this work. So I, I want to make that clear on the record. Like, I think this work is underfunded, and so the 10% carveout, to me, is a start, and that number does align to about that 10%. And so, I will be happy to consider that and talk through that type of amendment.

**STORER:** OK. And then one last question.

**SPIVEY:** Of course.

**STORER:** On-- I remember. I circled it here. On, I think, page 6 of the bill, can you clarify, there was a addition there that, the, the dollars that does, does not support program implementation, so approved pilot projects can authorize the use of such aid-- and just the part that has been added there says that the--

**SPIVEY:** On line 2?

**STORER:** Yeah, that does not support--

**SPIVEY:** At the top of the page?

**STORER:** --program implementation.

**SPIVEY:** Yeah. So sometimes, again, this is being as a person that implements programming in grants, that when you have funding, you'll get funding and say, I want 100% to go to the program specifically, but they don't account for operating costs. You're going to need a printer that can help support that, or you're going to need a person. And sometimes, it doesn't allow for some of the admin and administration of that program to be considered. And so that-- around that office space, that's what that line is, is that it might not be tied-- this is directly for this program, but the, the operation allows for the program to be successful, that there's some flexibility in understanding how community-based organizations actually implement their work.

**STORER:** Generally, though, wouldn't all of those things you mentioned aid in the implementation of a program? I mean, I know sometimes grant wording and funding and things can get-- but--

**SPIVEY:** Yeah.

**STORER:** But I think there could be an argument that all of those things you mentioned would be part of the implementation. I mean, you have to have space, you have to have the--

**SPIVEY:** I agree with you that it is-- I think it's sometimes the wording, especially when you're receiving government-based grants that it doesn't allow for the operations to be considered as a part of programming costs. But I do agree with you that it is.

**STORER:** Thank you.

**SPIVEY:** Absolutely. Thank you for your question, Senator.

**DeBOER:** Other questions? Senator McKinney.

**McKINNEY:** Thank you. And thank you, Senator Spivey. Thank you for the bill. Is it fair to say that although counties are well intentioned, it might be better to try to direct resources directly to the providers in the community who are directly on the ground and connected to the people?

**SPIVEY:** I would absolutely agree with that. And I think that's the, the idea around this bill, is to help to remove some of that intermediary, because there, there is a gap, right? Like working in government-- as we know, working in government, there's a lot of bureaucratic nature, where sometimes removed from the work that's happening on the ground, when community-based organizations are on the front lines. They are working day in and day out on this issue and they are the experts. And so this allows for the experts that are closest to the work to have access to the resources that they need to best do the work that's in front of them.

**McKINNEY:** Thank you.

**SPIVEY:** Thank you, Senator McKinney.

**McKINNEY:** No problem.

**DeBOER:** Thank you, Senator McKinney. Other questions from the committee? Senator Storer.

**STORER:** Thank you. I guess just to kind of follow up on that, and I'm still-- bear with me. If-- currently, can those community-based organizations apply for moneys through the county? They-- do they have

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access to these funds, but just have to go through the county to apply for them? Is that--

**SPIVEY:** Yes and no. So everyone-- the county puts out an RFP so anyone can apply. The reason why I specifically in this bill carved out the \$1.5 million budget and some of the other parameters around like lived experience of staff, is that you'll have organizations that have the infrastructure to write a really good grant, right? They, they know they have a paid grant writer. They know how this process works, so they create a more competitive application, even if they are not the best suited entity to lead out the work. A lot of organizations, especially based on budget at that \$1.5 million or less, are on the front lines. They are hiring people from community to do the work, but they don't have a paid grant writer. They don't know how to navigate the bureaucratic process of an RFP, so then they are not as competitive to receive those funds. And so this, again, allows for that entity to have a more competitive shot at showcasing who they are, because we've carved out and explicitly named that these types of organizations we know are impactful but might not always have the resources to show up as a bigger agency to be able to secure those dollars.

**STORER:** And just to circle back, do they currently have access to those funds through the county?

**SPIVEY:** Again, I think it depends. So I, I don't think smaller orgs that have a budget at \$1.5 million or less are as competitive in that grant pool to access those funds, compared to a bigger agency that has the infrastructure. So the, the goal--

**STORER:** Which, I understand what you're saying--

**SPIVEY:** Yeah.

**STORER:** --and I'm not-- I'm just trying to understand. Is there, is there currently a mechanism that, that community-based organizations can, big or small, access those dollars through their county?

**SPIVEY:** Anyone can apply through an RFP for those funds. They list out the criteria. So if you have nonprofit A, and you wanted to apply, you'll see the RFP, you can apply. What this gets at and what I think is important about the bill is that there are discrepancies in, in access points for organizations based on size, when you are doing like, community-based work. And so when you have a smaller budget means you have less staff, you have less capacity, and that means

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you're going to be really focused on the programmatic natures, not necessarily building the infrastructure to be able to competitively go after these dollars. Because when the RFP opens, people apply. You know, like it-- it's, it's a, a needed resource. And so, the carveout and the idea around removing the intermediary and giving those smaller community-based organizations access and opportunity, so they can better tell their story and work in a competitive grant market in a way that allows them to showcase that they are on the front lines doing just as important work.

**STORER:** I'm, I'm not sure I still understand the-- I mean, just yes or no, do they have-- do these community-based organizations have access to the money through the counties?

**SPIVEY:** Everyone can apply. Yes. Anyone that meets the criteria.

**STORER:** So it's not exclu-- it's not exclusive for counties to apply for that?

**SPIVEY:** So the counties applied from the Crime Commission. So the money goes to the Crime Commission, to the counties--

**STORER:** OK.

**SPIVEY:** --and then every county has an RFP that they release for this aid fund.

**STORER:** OK. OK. Thank you.

**SPIVEY:** Yeah, of course.

**DeBOER:** Senator McKinney.

**McKINNEY:** Thank you. Also, isn't the other issue-- and I know I've heard this and kind of seen it on the ground, work in, in practice, that if you don't have a relationship with like your county commissioner-- don't got a good relationship with that person or the board, you might not hear about these grant opportunities or you don't get recommended for these opportunities?

**SPIVEY:** Yeah.

**McKINNEY:** That, that, that plays a factor. And-- or they don't like your work. You might be doing good work, but they might have a friend that's doing something similar. And we can say it doesn't happen, but that's part of the issue as well.

**SPIVEY:** Yeah, I think that's absolutely true, Senator McKinney. And I'll use an example of myself in my nonprofit in the national landscape. So we are an organization that works on maternal child health and reproductive well-being. And we were trying to get into one of the largest health funders across the state, and we could not. Every time we submitted a LOI, it was declined. We used exact language that we thought AI would pick up in reviewing the application, and we never got through. We finally met someone who was a program officer at a foundation that supported us, that had a friend that worked as a program officer at the foundation that we wanted to get into. And she did a warm introduction via email, to say, hey, I think you should look at this organization. They're doing great work, and we have now been funded since. And so it is about that validity and people in leadership roles. People want to trust the work that's happening and they want to feel like that they know and that there's a track record. And sometimes, people don't understand with the case that is given in front of them, and it makes it harder for organizations that don't have that social capital to be able to leverage. And so the goal with this bill is to try to remove some of that and make it a more equal playing field for organizations that, again, are on the front lines, are employing people from the community that have that lived experience to say, you know, I know this is what you usually trust. However, let me demonstrate to you the impacts that we're making, and giving them that, that line of access and opportunity to, to be able to complete the work that they know is really important.

**DeBOER:** Are there other questions? Senator Spivey, let me ask you one question.

**SPIVEY:** Yes.

**DeBOER:** What happens if the 10% is sort of earmarked and there are not enough community-based organizations that apply for that 10%? What happens to-- so let's say 8% is-- you know, they, they fund everything that they think is appropriate to fund. There's a couple percentage left. What happens to that money then?

**SPIVEY:** So the Crime Commission already has in place a process that when money is not used or if it's earmarked, that it goes through this other fund called EA, and that they re-obligate it to other programs at their discretion. So I would allow and would want the Crime Commission in their expertise to do that same thing with the earmark if it's not all used, that they would put it-- reallocate it to that other fund and then put it back out into community.

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**DeBOER:** OK. Thank you.

**SPIVEY:** Thank you, Vice Chair.

**DeBOER:** Other questions? Senator Rountree, did you have a question?

**ROUNTREE:** I have a comment.

**DeBOER:** OK.

**ROUNTREE:** Thank you, Vice Chair. Senator Spivey, I was just looking back at our synopsis. Just a comment to make. I really agree with the strength of the programming process that we are working with now. As I look, I mention, as you've spoken here, according to the Nebraska Crime Commission, juvenile arrests in the state exceeded 7,000 in 2022, with each detained youth costing over \$100,000 annually for one youth. Anything that we can do that can get ahead of this and help to keep them out of the-- as we talked about, the contact in the bill would definitely be something that could help our state and help our folks, so just wanted to make a comment.

**SPIVEY:** You know, well, thank you, Senator Rountree. And I think what ties into that is the explicit language of adding to invest in preventative programs. As the bill is written now, it's for our youth that our system already system-impacted. So what does that mean? If you're already in the system, you already have this touch that you're not going to be able to be as successful, versus can we invest more dollars in mentoring? Right? Like there are a lot of programs that may not see themselves within this aid bucket, but mentoring and enrichment programs, job programs absolutely help youths to make different types of decisions and gives them different opportunities than what leads them into our system. And so the hope is that not only are we investing in smaller community-based orgs that are on the ground that are doing the work, but we're going upstream and investing in preventative programs that don't even allow us to have this same type, same type of conversation.

**ROUNTREE:** Thank you.

**SPIVEY:** Thank you, Senator.

**DeBOER:** Other questions? I don't see any. Thank you.

**SPIVEY:** Thank you, Senator.

**DeBOER:** Senator Spivey, are you going to stay around to close?

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**SPIVEY:** Yes, I will, Vice Chair.

**DeBOER:** Thank you. All right. Could I see a show of hands of how many people are going to testify on this bill, just so we can get a rough count? OK. OK. Thanks. Let's have our first proponent. Is there anyone here who would like to testify in favor of the bill? Welcome.

**TERESA NEGRON:** Thank you. Thank you very much for-- of the opportunity to speak in front of all of you senators. My name is Teresa Negron. I'm the executive director of YouTurn, located in Omaha, Nebraska, at 4344 North 34th Avenue.

**DeBOER:** Could you please spell your name for us?

**TERESA NEGRON:** Oh, I'm sorry. Thank you. It's Teresa, T-e-r-e-s-a, my last name is Negron, N-e-g-r-o-n. So YouTurn is a nonprofit organization, where we call ourselves a community violence intervention organization. Our focus is using evidence-based models to really impact the highest risk, those that are involved in gun violence. Our hope is to get in front of it before they become system-involved. We work with youth and young adults between the ages of-- we keep lowering it, but as, as we say, it's 12 to 25-plus years of age. We do work with some that are younger, depending on the circumstances. We are-- have a school. We have 2 programs: Make a 180 and a, a Women's Violence Prevention Program. Both parts of those programs have within them the ability to use what we call credible messengers. There are people with lived experience. We are on the ground, we canvas, we have a street team that goes out in the street when we know that something is active-- actively occurring or a hot spot is what we call it, and we are really focused in on prevention. We also have intervention suppression, and that includes the Women's Violence Prevention Program. We see there are more young ladies that are now being incarcerated at the youth center than there ever have been. And so I-- we really believe-- I, I have another person here, Stewart Giddings, that's also going to, to speak, and I'm not going to step on his toes. But really, the, the strength of the community-based aid, which is what we call it, we are one of those organizations that currently receives funding. I, I really support the idea that we could apply directly and maybe have a little bit more say about what we can receive as funding. I'm very appreciative of the funding that we do receive, but I believe that if we have the ability to access it directly, that we may be able to get more than just straight salary with no fringe benefits or any administrative costs. So that is one of the things that really focused in on why I'm here speaking as a proponent of this bill.

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**DeBOER:** OK. Thank you. Let's see if there's any questions. Any questions from the committee? Senator Storer.

**STORER:** You can count on me. Thank you. Welcome. I-- and thank you for the work you do.

**TERESA NEGRON:** Thank you very much.

**STORER:** So I, I am still kind of working to understand the, the dynamics. Are you-- so you're currently getting funding ultimately through the Crime Commission that comes to the county?

**TERESA NEGRON:** Yes.

**STORER:** And, and you have access to that.

**TERESA NEGRON:** Yes.

**STORER:** And I assume other grant funding outside of that, that kind of helps with your organization, as well?

**TERESA NEGRON:** Yes, we do receive additional funding.

**STORER:** So my experience-- and I guess this is going to be more of a comment than a question. But sometimes the further away we get from our community, the more difficult it can, it can become to be-- to have access and to be sort of seen and heard and understood, understood. So I-- as I'm, I'm struggling a little bit with, with the goal versus the, the vehicle to get there. And my concern is this may make things less accessible for communities, just because it gets further away. You know, when you're going to your county, they, they see you in your community, they understand what you're doing, versus now, going to a state pool of funds. I have some concern that it may be less, less accessible because it-- does that make sense?

**TERESA NEGRON:** I, I think I understand what you're say--

**STORER:** Right.

**TERESA NEGRON:** And, and, and I would say that when you have someone that can write a grant in a way that really explains exactly what it is that you're doing-- we have provided with also a, a dashboard. We have an evaluation that's done on our program. And so, what you've been provided with is that evaluation as well. And so as you provide that information to people that are further away from, from what-- the work that you are doing in, in the city that you operate in, I think

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providing more information and have the ability to ask questions if there are any.

**STORER:** How competitive are there grants within your county? I mean, how many different organizations end up getting funding through that process?

**TERESA NEGRON:** So I believe currently with this-- the CBA funds, I believe there might be 21 organizations.

**STORER:** OK.

**TERESA NEGRON:** And there's a lot more organizations in Omaha that impact this work in various ways. What we do is very specific. We get our information from the Omaha Police Department as far as where most of the shootings are happening and homicides, and that's how we focus our work in. But there are other organizations you'll hear from that are doing some preventative work. We also do preventative work. We're in the schools, so trying to reach those that are highest risk or high risk before--

**STORER:** Right.

**TERESA NEGRON:** --they become system-involved. So there's a-- there's, there's numerous organizations in Omaha.

**STORER:** And I know the bill asked for some-- or would direct actually, University of Omaha [SIC] to do some work. Do they currently-- do you do any-- do you have a relationship or is there-- with the University of Omaha now? Are they a resource for you?

**TERESA NEGRON:** So I would say that-- so the person who does our evaluation, he's a professor. He works both in Lincoln and at the University of Nebraska in Omaha. And he's been doing our evaluations since I've been at the organization.

**STORER:** So you have that ongoing relationship?

**TERESA NEGRON:** Yes, we do have that. He-- he's an independent evaluator of our program, which he's the one who created the dashboard, with a few edits from us.

**STORER:** OK. Thank you.

**TERESA NEGRON:** Thank you.

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**DeBOER:** Thank you, Senator Storer. Other questions? Senator McKinny.

**McKINNEY:** Thank you. And thank you for your work. And thank you for coming down here. How would being able to kind of more directly access this fund help you?

**TERESA NEGRON:** You know, I really do believe that if we're able to access the funds, we could probably ask for more than what we get. We get enough funding to pay the salary only of one individual. And there's no fringe benefits and there's no admin, so we don't-- we can't pay for any of the costs for the amount of work that we do. There's [INAUDIBLE] that you pass out. I love the, the conversation about the copier people-- have any idea how much paper you use? And there are fees when you have community-- we have community events and having the ability to help with those-- yeah. So it would help us immensely.

**McKINNEY:** Thank you.

**DeBOER:** Thank you, Senator McKinney. Other questions? Thank you so much for being here.

**TERESA NEGRON:** Thank you.

**DeBOER:** We'll take our next proponent. Welcome.

**STEWART GIDDINGS:** Thank you for having me. Name's Stewart Giddings, again, representing YouTurn as the assistant director. Spelling is S-t-e-w-a-r-t, last name G-i-d-d-i-n-g-s, and I'm the assistant director for our organization, YouTurn, you just heard about. I'm, I'm stepping in as a proponent on this, mainly because I am also a credible messenger. And so, through understanding how funds get allocated to community organizations, I myself personally, would have benefited from something like this in, in my past, had this been available through my trials and tribulations. And so being able to be second in command at an organization that employs credible messengers, having the availability of funds is crucially important because not only can we just pay a salary, but we can continue to operate our program, which is vitally important because we are going into places and spaces the average individual won't go. And in order for us to do the work and interrupt some of the violence that occurs and prevent these individuals from becoming a part of the system and being system-involved and impacted, it's adding to the trauma that they currently face on an everyday basis. And, and for those individuals, it's not post-traumatic at all. It's persistent. It's every single

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day, once they become system-involved. And all of those impacts of the trauma that they face, it's continual. Because not only are they facing that trauma, they continue to face the trauma, just in the environment that they live in. And this would allow these funds to further push the efforts forward and really get to these individuals to make that behavior change, which is ultimately our goal as an organization, to see these individuals change their behavior as they begin to move forward in life. I was able to do that and I had to do that on my own. And so, having the availability of individuals that have that lived experience that can eliminate the excuses one has to make that change, we understand those obstacles. We've, we've climbed those hurdles and, and we've overcome those barriers. And so for us, it allows us to eliminate that for them. There's nothing you're going to say to me as an excuse that maybe I haven't dealt with, right, or one of the individuals that we employ has dealt with. And so we understand how to dead navigate those waters on a more consistent basis, and we can then hold you accountable. That's what I had to add.

**DeBOER:** All right. Thank you so much. Let's see if there are questions for you. Questions from the committee? You got lucky today. Thank you so much for being here.

**STEWART GIDDINGS:** Appreciate it. Thank you.

**DeBOER:** Next proponent. Welcome.

**TAMIKA MEASE:** Good afternoon. My name is Tamika Mease. That's T-a-m-i-k-a M-e-a-s-e. I appear on behalf of North Omaha Community Partnership as the executive director and creator of the Blueprint Juvenile Program. I'm here today along with our CVI partners to express our strong support for LB585. LB585 proposes essential changes to the Community-based Juvenile Services Aid Program, allowing funds to be allocated not only for youth involved in the juvenile justice system, but also those that are at risk of involvement, and this proactive shift is crucial for addressing the root causes of juvenile delinquency. With the Blueprint Juvenile Program, we focus on serving youth who are at risk, including siblings or household members of youth who are already involved in the juvenile justice system. Our target age ranges from 10 to 17. And by working with both the youth and their entire family unit, we aim to disrupt patterns of generational criminal involvement. Our comprehensive approach addresses individual behaviors and the systemic issues that contribute to these challenges. In addition to mentorship and educational support, we provide case management and wraparound services designed to stabilize and maintain, and maintain stabilization in the

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household. These resources are essential for helping families navigate challenges and ensuring a supportive atmosphere for youth. And by intervening early and offering these vital services, we can effectively reduce the likelihood of future criminal behavior and lower recidivism rates. Investing in prevention is both a wise fiscal decision and a moral imperative. Every dollar spent on preventative measures can save multiple dollars in future costs associated with incarceration and rehabilitation. The long-term benefits of this investment extend beyond individual lives and contribute to building a stronger, safer community. As a boots-on-the-ground, front-line organization, we urge the committee to support LB585. With us being boots on the ground, we are able to-- and we also have the lived experiences. We are able to relate to those that we serve. And having the lived experiences allows us to think outside of the box and apply strategies that actually work. And our budget and lack of resources serves as a barrier to us right now, because if I have \$5,000 and I have a choice between putting it into our programming and serving our community or paying a grant writer, I'm going to put it back in the community and serve those that are in need. And that's pretty much all I have, and I'm open to any questions.

**DeBOER:** OK. Thank you so much. Let's see if there are questions. Senator McKinney.

**McKINNEY:** Thank you. And thank you, Tamika, and thank you for everything you do. How would being able to access these funds more directly help you in your work and help your organization?

**TAMIKA MEASE:** It would help us out tremendously. It would hopefully be used, you know, as part of supporting our operating budget in more salaries to hire more people with the education and the lived experiences to serve the folks in our community. To give you an example, because we didn't start out with the budget and, and the funds or the access to information on applying through the county. I used my own funds. I've used my own mortgage payments to help individuals and families get out of neighborhoods after a drive-by or after their loved one was murdered in their homes. I used my own funds. And then, funds had to-- I had to wait for those to be reimbursed from the Nebraska Victims Advocacy Program in order to help the next family. So with the opportunity of getting the funds directly and not having to go through who knows you and who feels that you are relevant enough, it eliminates that wait and it can definitely save lives.

**McKINNEY:** Thank you.

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**DeBOER:** Other questions from the committee? Senator Storer.

**STORER:** Thank you for coming today and thank you for the work you do. I, I have a, a little bit of a background in working in shelter classrooms and, and at-risk youth. And so I have a little bit of a heart, especially for any sort of preventative programs. What I'm, what I'm still sort of struggling to understand is how this is really going to make funds more accessible. So it-- so currently, you feel like-- I've heard it come up a couple of times about the need for having a professional grant writer in order to, you know, make that application that, that returns-- you know, that is successful, that gets those funds back to your organization. Is, is there a belief that through, through this change that that will no longer be necessary, that this-- these grants will somehow be-- applying for these funds will become less competitive?

**TAMIKA MEASE:** I don't think that it would become less competitive. But what I envision from hearing from Senator Spivey is that the application would be more on an even playing field, where you eliminate that popularity. And if you allow me, I'll give you an example.

**STORER:** Sure.

**TAMIKA MEASE:** When I started-- I'm the founder of North Omaha Community Partnership. And with doing the work, boots on the ground, as a grassroots organization, there were a couple of senators-- not senators, but county commissioners that had heard about the work that I did, and I was constantly contacting them for an opportunity for funding. OK. I was told initially, about 20 times, that the work I do is obsolete and my position is obsolete. And once I pointed out those that were in that person's circle that supported my initiatives, and was actually-- a task force was approved based on my organization's work in the mental health space. Everything changed. And once they were able to confirm that information with those in their circles, all of a sudden I became relevant. That happens so often within our community. It's like a who's who in a popularity thing, rather than focusing on who's actually doing the work and who's impacting the community, whether we have \$1,000 to work with or \$100,000 to work with. And I've been one of those organizations where I had nothing, to the point I was using my own, and taking away from my own to help save these families. And I kind of had to prove myself for a period of 3 years, before I got any acknowledgement and support.

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**STORER:** Thank you for that example. And unfortunately, I think probably in every community, there's ebbs and flows of those same, same things happening. I, I guess with that, is, is there a long-term trend of certain organizations just historically getting the bulk of the funding? I mean, over a period of 10 years, is there just a demonstration-- and I assume Douglas County, is it?

**TAMIKA MEASE:** Mm-hmm. Yes.

**STORER:** That, that certain organizations are just always sort of getting preferential treatment or perceived preferential treatment?

**TAMIKA MEASE:** Most, most definitely. And these are larger organizations that have, you know, sizable budgets that are all of ours in this room combined, you know, for one organization. And they, they constantly get the support. But they constantly-- you know, when you go to the juvenile courts, those are the organizations that are denying services for our children that sit in the detention center, waiting for services and programs. And they are being denied because they are seen as too high of a risk, but they're getting funding for that, but they're not serving the youth in our community.

**STORER:** So is the, is the application-- does every county come up with their own parameters for application of the-- of these funds to the Crime Commission, or is there-- and maybe Senator Spivey can answer that when she comes back up, but if there's already sort of a, a standard that every county has to use, or is that county by county? And I-- and if you-- if you're not aware of that, I just--

**TAMIKA MEASE:** I believe Senator Spivey would be the best one to answer that, as I'm not sure of the intricate process in that. But what I do see on a consistent basis is that it's the same large organization, well-known popular organizations that have access to the funding. But their success rate, I, I would say, is, is kind of doctored, because they only go after a certain type of youth. And if that youth has-- you know, is seen as too much of a risk, then that youth falls by the wayside. And we are the organizations that are boots on the ground that are serving those youth and their families and not getting funded.

**STORER:** Thank you.

**TAMIKA MEASE:** Thank you.

**DeBOER:** Other questions? I think I have a couple now, to kind of follow up on the conversation we're having. So is the sort of idea of

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this bill to kind of create a pool of money for which, let me call them startups or small nonprofits, would be able to reach from, where they're not competing against well-established, giant behemoth nonprofits? Is that kind of how you're envisioning this working?

**TAMIKA MEASE:** Yes. Based on the proposed budget limitations, I would say so.

**DeBOER:** OK. And so when you're saying you're thinking about do I hire a grant writer or do I just put the money in the community, when you're thinking about that, you're envisioning this pool of money, this 10%, as being something that, since it is earmarked for these smaller, newer organizations, that the process be not less competitive, but more geared towards those new startup, smaller organizations. Is that-- am I getting that wrong?

**TAMIKA MEASE:** I, I would say that's-- I would say that's partially right, partially-- the intention of how it makes sense to me.

**DeBOER:** OK.

**TAMIKA MEASE:** I would say, you know, using the the, the, the budget criteria, when you have an organization that's operating at less than \$1.5 million, then you have those more grassroot-type organizations that are boots on the ground and working directly with the families in their communities, and most likely are employing those that live in the same community with the same lived experiences.

**DeBOER:** OK.

**TAMIKA MEASE:** And so it kind of-- it creates more equity, is what I would say.

**DeBOER:** Equity for the lived-experience organizations.

**TAMIKA MEASE:** That are boots on the ground that have smaller budgets that are unable to compete in the larger arenas with how things are set up now, under the counties.

**DeBOER:** Got it. OK. Senator McKinney.

**McKINNEY:** Thank you. Would you, would you also say this bill is geared towards really taking away barriers? Because although it come-- like currently, it comes from the state, goes to a county, the county is a barrier. And it could put up other barriers in between, which hinders any type of access. So this bill is trying to eliminate that barrier

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or those other barriers that they put in place, whether it's a relationship, whether they like you, whether they feel like-- it's a bunch of barriers that, not even on paper that you could just name off. And this is geared towards kind of just taking those barriers away and just saying like grade me how you grade me, allow me to apply. And if I don't get selected, I don't get selected. But just-- let's take away the barriers.

**TAMIKA MEASE:** Yes, I definitely think that it is eliminating most of the barriers. And like I said, just putting us on a more evenly playing field, looking at the work, looking at the data. Like, we're a small organization, but we still keep track of our data. You know, we just can't afford to hire the, the grant writer to, you know, write, you know, this amazing grant application and compete. But we are doing the work. And I think the focus needs to be more on the work, who's doing the work, who has the capability, the success rate of the work that they are doing, and thinking outside of the box, because we're dealing with a newer generation, where other, you know, formulas and strategies are just not working. And so with us being boots on the ground and having the lived experiences, we're coming up with strategies that are actually working. And I think if we can focus on that rather than who's popular or how good the grant application is, then we'll be in a better position in our community.

**McKINNEY:** Thank you.

**DeBOER:** Other questions? Senator Rountree.

**ROUNTREE:** That's all right. Thank you, Vice Chair. Ma'am, I appreciate all the work that's being done. So as I'm listening to everything, I'm just wondering how do we come together with our North Omaha Community Partnership as you're representing your own organization and the organizations we have? How do we come together to get our message better positioned and spoken? As you are boots on the ground and I have this large organization that has all the funding and we get what's left out here, but how do we get to the table to get our message about a position to-- and have these results just elevated and expressed so that we can get more money to take care of the issues that we need to take care of?

**TAMIKA MEASE:** I would think opening up the platform to allow others that are doing the work, as well, to have a seat at the table to express to you what's really going on in the streets of north Omaha, where, where I serve. I don't live in north Omaha, but I serve-- I'm from-- born and raised and serve there. And I think-- we're getting

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more folks in the room to actually hear their testimonies. You'll be able to see what's working and what's not. People know what they want and what they need. They don't always need an organization to come in and tell them. And so we operate in a way where we empower our community. So I think if you empower the organizations that are boots on the ground, grassroots organization, doing the work and offering them a seat at the table, they'll tell you exactly what's going on.

**ROUNTREE:** Thank you. That-- that's what I was looking for, to see can we get that message out?

**TAMIKA MEASE:** OK.

**ROUNTREE:** Thank you.

**TAMIKA MEASE:** All right.

**DeBOER:** Other questions? Thank you so much for being here.

**TAMIKA MEASE:** Thank you.

**DeBOER:** We'll have our next proponent, please.

**SHERMAN WELLS:** All right. How y'all doing? Sherman Wells, S-h-e-r-m-a-n W-e-l-l-s. I took my hat off so I could match my brother over here, you know, see this Milk Dud head over here. But first of all, I want to say thank you all for having us. Good afternoon to you and the rest of the members. So I'm here today as a proponent of LB585 because I've seen firsthand the power of community-based support in shaping the lives of young people. And so me, my wife, and my daughter, we have our own organiz-- not really an organization, but we assist nonprofits. So we work with people like Tamika, the Black Agenda Alliance, and also the Church Assembly of the Saints, who let us use their place to hold organizational events. And so we have U.N.T.A.M.E.D, and then we also have our business. I'm from the hood street where, which, it's-- it emphasizes the, the importance of hoods, like brotherhood, motherhood, fatherhood, sisterhood. And so through our engagement in the community initiatives, we understand that real change happens when people invest in the people that's closest to the problem. So I'm one of those people who's completely on the ground, going to people's houses, go to the schools. You know, the parents call me-- is-- you have elected officials and selected officials. I'm more of a selected person that they've seen do the work and get results, so I get called and then I can have these other nonprofits that I can work with to help us, you know, get our stuff done. So for me, when I seen the bill, LB85 [SIC], it wasn't just

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about the funding. It was about ensuring that the resources reached the local organizations best positioned to help our youth before they ever enter the justice system. Nebraska young people, they don't really need more punishment. They need more support, more mentorship, and more opportunities to thrive. So when funding is disrupted effectively-- I mean is-- when it's distributed effectively to the community-based programs, we see lower rates of re-offending and stronger family relationships and safer neighborhoods. So that's why with our family, not only do we have a brand that can represent family, we do a lot of family events. And the, the life that we live and, and perceive to the commute-- to the mute-- community is about family, the strength of family. I noticed, because really, I've watched it happen, I've seen young people who otherwise might have been written off turn their lives around because someone in their own community not only believed in them, but had the resources to back it up. So we do always hear the phrase it take a village, but let's be real. These days, it takes a hood, which is a network of people who understand the struggle because they navigated through it themselves, they see the potential, and they're willing to invest in the youth. So if we truly want to build a safer, stronger Nebraska, we want to start by strengthening the communities that make it, that make it up. LB585, to me, does exactly that. It prioritizes local solutions for local challenges, and that's an investment worth making. So I really want to be here to support LB85 [SIC] and I just urge y'all to do so, and I'm open for any questions.

**DeBOER:** All right. Thank you. Let's see if there are any questions. You might be getting off easy today.

**SHERMAN WELLS:** I'm getting off easy today. All right. Yeah. And if you ever want to, you just look up Sherman Wells, Omaha, Nebraska, and you'll see the work that I do as an individual. But like I said, we partner with all the nonprofits-- try to. But again, the larger ones might not like the way that I do things and the accountability piece that comes with what we do, so I'm not a favor of funding from the county.

**DeBOER:** All right. Thank you so much.

**SHERMAN WELLS:** All right. Thanks.

**DeBOER:** Next proponent. Welcome.

**ROBERT PENN:** How is everyone? Great. My name is Robert Penn. I'm owner of Net Enterprise [PHONETIC], Mondo Group [PHONETIC], and Harambee

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Group. I do intervention and prevention and a host of other things that we don't have time to discuss.

**DeBOER:** Can I stop you and have you spell your name?

**ROBERT PENN:** Robert, R-o-b-e-r-t, Penn, P-e-n-n.

**DeBOER:** Thank you. Please go on.

**ROUNTREE:** OK. I'm a proponent for the bill, basically, because what it does basically-- I, I mean, it hits you right on the nose. If I can use the analogy, we have what I would call bureaucratic cholesterol. We have a bunch of nonprofit talking boxes in north Omaha, and it's based upon who you know, who you married to, what board are you on with someone else, and if you're not politically threatening from certain individuals' perception. And so it's definitely needed to get the money to the people who actually do the work. We have people who receive money. The Harper Fund was sent to nonprofits that do nothing but talk. And then these same nonprofits will come to individuals like me who are organic, who are connected to the community, and they put us underneath them to receive the fund. And they have excellent grant writers, but it's all window dressing. And so this bill would definitely allow the funds to be directly received to the individuals who actually do the work. For example, I have a contract with the county and probation office. I have 2 houses that have been sitting empty. I haven't gotten one referral. 2 houses. And so, I do a lot of work on my own. But we have big, nonprofit talking boxes who receive millions of dollars all the time. They don't live in north Omaha, and most of them are not even from the state. And they work in concert as a firewall to perpetuate more of the same problems. So any more questions?

**DeBOER:** Are there questions for this testifier? Senator Rountree.

**ROUNTREE:** Thank you so much, Vice Chair. Mr. Penn, thank you so much. I was really picked up on the fact that you have 2 houses that are sitting empty. And we just had the previous bill, we talked about people coming out of the system and having a way to transition back. Is there an opportunity that some of your properties might be utilized for those particular reasons or purposes?

**ROBERT PENN:** They're definitely available. They've been-- again, I have contracts with probation and the county and I haven't received one referral. I even know of someone that had a house, had an entire building sitting for over a year and they didn't receive any referrals

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as well. And there's also been a concerted effort to make sure certain individuals are not in position to actually aid and assist the community.

**ROUNTREE:** All right. Thank you.

**DeBOER:** OK. Are there other questions from the committee?

**ROBERT PENN:** All right. Thank you.

**DeBOER:** Thank you for being here. Next proponent.

**ZION HOWARD:** I am Zion Howard. I'm a representative of North Omaha Community Partnership. Young people often describe their experience in youth corrections as a mix of feelings, including isolation, fear, a sense of being misunderstood, and a feeling of being trapped. They also often highlight the trauma they experience due to exposure to violence, separation from family and the stress-- oh, sorry. Z-i-o-n H-o-w-a-r-d. They also often highlight the trauma they experience due to exposure to violence, separation from family, and the stress of confinement, in addition to the negative impact this all has on their education, family connection, social competence and mental health. Most youth who are subject to potential involvement with the juvenile justice system come from traumatic backgrounds, suffering negative experience-- experiences such as abuse, neglect, domestic violence, community endangerment, harassment, and more, resulting in mental health conditions including, but not limited to depression, anxiety, irritability, aggression, mood swings, impulsivity. Allowing such individuals to be placed in programs where these conditions are not only unaddressed but often worsened according to the testimonies of many involved in the juvenile justice system, is not only counterproductive, but also decreases the likelihood of these individuals recovering from the trauma caused by their negative life experiences, thus hindering positive behavioral changes, thus increasing the likelihood of recidivism. Concepts such as logic, rationality, subjective analysis, conflict resolution and emotional regulation are just that-- purely conceptual, meaning they have no existence in our objective and tangible reality, only existing in the minds of the individuals that are aware of them. In the event that a person is unaware of these concepts, they simply do not exist in their realm of possibilities as a viable instrument to their decision-making. Organizations such as North Omaha Community Partnership offer education and cognitive stimulation that provides the awareness and promotes the uses of these concepts, with the aim to improve cognitive interpretation and enable participants to make

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decisions that are advantageous to their life, well-being, and mental health. I strongly urge the committee to support LB585, to allow organizations like ours to get ahead of the curve and serve youth before they get involved in the juvenile justice system. Thank you.

**DeBOER:** Thank you so much for testifying. Do we have any questions from the committee? Senator McKinney.

**McKINNEY:** Thank you. And thank you for your testimony. Why do you think youth are so attracted to North Omaha Community Partnership?

**ZION HOWARD:** I think because we offer an alternative. I think because we give them a, we give them a sense that we aren't so institutionalized. We give them more of a comforting sense.

**McKINNEY:** Thank you.

**DeBOER:** Thank you, Senator McKinney. Other questions? Senator Storer.

**STORER:** More of a, more of a comment than a question, but A, thank you for the work that you do. And just curious, how many years have you been involved with the organization?

**ZION HOWARD:** 3.

**STORER:** 3?

**ZION HOWARD:** 3.

**DeBOER:** Any other questions? Thank you so much for being here.

**ZION HOWARD:** Appreciate it.

**DeBOER:** Let's have our next proponent. Next proponent. OK. And now, we're going to switch to opponents. Is there anyone here in opposition to the bill? Welcome.

**ELAINE MENZEL:** Good afternoon, Chair DeBoer-- or Vice Chair DeBoer-- excuse me-- elevated you-- and members of the Judiciary Committee. For the record, my name is Elaine Menzel. That's E-l-a-i-n-e M-e-n-z-e-l, here today on behalf of the Nebraska Association of County Officials in opposition to LB585. First of all, I would like to express a great deal of appreciation to Senator Spivey's staff, staff. Unfortunately, I was unable to connect with her specifically yesterday, but glad that she's receptive to working with us. And we're not able to testify in support at this time, but hoping we can get to a neutral or a, a

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support position in the future. We do believe that her desires are laudable in these efforts. We think there is perhaps a more appropriate avenue for doing a function such as this. I had proposed perhaps the juvenile services grant program that is currently administered through the Crime Commission is an option that is for non-profits and not strictly counties. And when I say communities, for purposes of community-based aid, it's counties/tribes. The correspondence that I provided you gives a little historical perspective to the community-based aid. It will-- [INAUDIBLE]-- I'm jumping back and forth because there's so much to this program with respect to our involvement. It's been in existence since 2001. But prior to it being created, there had been legislation that would have transferred the entirety of the costs of juvenile justice from the counties to the state, and that is a primary component of why we're interested in it. The governor vetoed it at that time. It was Governor Johanns, and he agreed to have conversations with us to try to give us more aid at that time. Importantly, I would like to acknowledge the governor's support for community-based aid through the years, as well as the Legislature. It has been maintained to the extent that-- well, it was increased over the years, and it was-- it-- ultimately supposed to get to \$10 million and it has never done so. But with that said, it has only been decreased one time, and that was during a recessionary time frame. A lot of other stuff I could say, but I'm glad to work with you. The supporters prior to me, I think are doing fantastic work, and I think that's the goal. Oh, I do want to say the community-based aid is-- first of all, you have to get a community plan before you apply. Counties do differ in terms of their processes. Some of the larger ones do perhaps use an RFP, but most of the counties do not necessarily use an RFP-- to have the nonprofits and that type of thing, because they may not have as many nonprofits in the area. I see my time is up, so I'll answer any questions that you may have.

**DeBOER:** Yes. Senator McKinney.

**McKINNEY:** Thank you. And thank you for your testimony. First question. I see that-- well, you say there are-- your 3 primary reasons for opposition, and you say local decision-making. But have you ever considered-- and prior to your testimony, your opposition, did you consider that maybe local decision-making is the problem and reason for the bill?

**ELAINE MENZEL:** I, I have asked whether it is a one-county or a statewide issue, and been told that it's statewide. But with that said, I still believe that local decision-making and collaboration--

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**McKINNEY:** But if it's a statewide issue, and this program has been in place since early 2000s, and it's 2025, shouldn't we be in a position to reevaluate that program and decide on what-- if, if it's effective?

**ELAINE MENZEL:** I think there's always the opportunity to review and make modifications where appropriate. We-- the-- our opposition is primarily taking away from county funding, too.

**McKINNEY:** I know you say it's a loss to counties, but technically it's not a loss. It's just not going through the county anymore, but that money will still go to the communities.

**ELAINE MENZEL:** Which we would still be opposed to, with respect to having counties be involved in making a determination of-- well, back to-- I had started that they-- with their community plans, that does involve community partners and stakeholders such as the county attorney, various other individuals, mental health providers, et cetera, whoever they choose to be on that team of individuals to set up that plan.

**McKINNEY:** But, but if they're the problem and this bill is trying to make sure since it's a statewide issue and, and the local decision-makers are the issue, and we're getting it to the people, the money is still going through the counties. It's just not going through the traditional decision-makers. I don't understand if the money is still going to organizations in the counties, why, why does this decision-makers-- is, is it about control and power, why they still want to-- want it to funnel through them?

**ELAINE MENZEL:** Well, I think it gets into the collaboration, the design of planning to make sure the resources that have been prioritized by the community are going to the areas which they see as a priority.

**McKINNEY:** Do you think the state will make a bad decision?

**ELAINE MENZEL:** I, I would never say that.

**McKINNEY:** OK.

**ELAINE MENZEL:** Well, I, I would-- I will backtrack once-- I, I will say I'd be glad if the state would be willing to take on more of a-- the responsibilities of some costs that are in-- by counties, but we, we certainly appreciate all the state does for us, and particularly in the area of community-based aid, in that you have helped sustain this program through the years to be funded at a level that's-- and in

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terms of the requests for funding, there were over \$1 million in requests the last 2 fiscal years that we were unable to attain because of the needs of the individuals-- or not individuals, but the communities.

**McKINNEY:** All right.

**ELAINE MENZEL:** Applicants.

**McKINNEY:** Thank you.

**DeBOER:** Thank you, Senator McKinney. Senator Storer.

**STORER:** Thank you, Vice Chair. And thank you for your testimony, as well. So it was in Senator Spivey's opening. It was indicated that every year there's some unused dollars or some money that's turned back to the state or to the-- through the Crime Commission?

**ELAINE MENZEL:** The-- they're-- it's on a 2-year fiscal cyc-- or I'm sorry. It's on a fiscal year basis that they're allocated the roughly \$5.8 million or whatever. With that said, the first year, if those funds are unused and turned back, then there is another opportunity to go through the enhancement-based dollars. So then it-- that's when it becomes competitive-based, because that first round of funding is formula-based, based on population and other factors, such as poverty and a handful of other things. I don't recall all the specifics.

**STORER:** So the dollars that are turned back are currently available through a competitive-based grant application process?

**ELAINE MENZEL:** For counties and tribes at this point. That is the way--

**STORER:** OK.

**ELAINE MENZEL:** --that it's established.

**STORER:** Is it-- would it be reasonable to have the discussion that those dollars, instead of being a competitive-based grant application for counties, be opened up to organizations within the state? The, the unused or the, the dollars that were turned back?

**ELAINE MENZEL:** I think we could have that discussion. I don't know, ultimately, looking at-- without looking at the numbers again, specifically what--

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**STORER:** Rather than a mandated X percent a year, which, which I have a little bit of heartburn over, as well. But I mean, if there's unused dollars that are turned back every year, it seems like there might be some appetite that those be made available for a more competitive grant.

**ELAINE MENZEL:** I, I would concur. Our goal is to make sure that those dollars are fully used to the best of the ability of the communities, with respect to programs and services that are available. There was some discussion about strictly being able to go for salaries, not fringe, which again, gets into the overrequests for-- or inundated requests that they're receiving with respect-- or \$1 million over, for instance, and stuff-- of-- being unable to fund because of being too much of an op-- desires for those programs and services.

**STORER:** Thank you.

**DeBOER:** Thank you, Senator Storer. Other questions? Senator Rountree.

**ROUNTREE:** Thank you so much, Vice Chair. Thank you so much for your testimony--

**ELAINE MENZEL:** Thank you.

**ROUNTREE:** --and testifying today. You heard all the testimonies that the proponents-- and sometimes, their inability to break that wall and get to the table to get these funds. I would agree, and would you agree that our main goal is to take care of our citizens? That's, that's, that's-- no matter what side you're on, that's what we want.

**ELAINE MENZEL:** I, I would concur. Yes.

**ROUNTREE:** OK. So in your opinion, as you've worked here with NACO, how would you work with them to be able to get through that wall so that we could get those dollars out to on the boots on the ground? You talked about maybe some time to plan-- might not be so great of a plan that gets to the table. But how would we be able to kind of revise work, collaborate together so we can get those funds out and get them to the people that have the needs?

**ELAINE MENZEL:** Yes, I, I guess, in part, I know the contacts of some of the folks in Douglas County that would be working for-- in these areas and that type of thing, so putting them in contact with those individuals would be appropriate. And-- meaning the administrator there and that type of thing. And also, another provision would be talking to the Crime Commission representatives, in that they have

other grant funding opportunities perhaps available for their purposes.

**ROUNTREE:** All right. OK. Yeah, yeah.

**ELAINE MENZEL:** Is, is, is that touching on--

**ROUNTREE:** That's where it-- you know, we could do all the talking and so forth, and that's not going to be resolved here. But I'm saying getting that wall down so that we can get these funds out. This gentleman mentioned that he's out of the house that's been open, but he's on the list and no calls and things like that. So getting through that tape, getting through those other priorities or reservations so that we can, you know--

**ELAINE MENZEL:** Yeah.

**ROUNTREE:** --really get in the game and really take care of our people.

**ELAINE MENZEL:** I, I guess, conversations is the best answer-- or response to that question.

**ROUNTREE:** OK.

**ELAINE MENZEL:** It does sound as if that's occurred. I don't know the specific situation beyond having been here to hear what is happening and that type of stuff, which-- it's unfortunate, in that I do-- you know, if, if I can be a part of helping to resolve that in any way, I'd be glad to, you know, have further conversations or perhaps give names of people that I know that might be able to assist.

**ROUNTREE:** Yeah, that would be great. I appreciate it. Thank you.

**DeBOER:** Senator McKinney.

**McKINNEY:** Thank you. I guess what I'm trying to understand is that what has been highlighted is the issue overall is the conversation, and the inability for these officials in this position to have these conversations in an effective way to recognize how to effectively utilize these funds and make sure the people that are on the ground are getting the resources. And not just a one-county issue actually, because even you said that it was shown to be a statewide issue. So I, I understand the willingness to entertain, like having conversations and trying to connect people with people. But if a program has been operating for 20-plus years and we have evidence that there's something wrong with it, why shouldn't we adjust it?

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**ELAINE MENZEL:** Well, I, I think you can always have conversations about how changes should occur or could occur to improve. My hope is that it will be maintained at a funding level that will meet the needs of the communities, and the programs and services which they're serving.

**McKINNEY:** But it would, it just wouldn't go through these-- the official-- the, the same, the same route as it traditionally has.

**ELAINE MENZEL:** And I just-- I think there's a program that could be used within the Crime Commission currently, that might allow that, without there being an impact to community-based aid.

**McKINNEY:** I think they all need to be looked at, but we can look at that one later. But this one obviously has issues. But, thank you.

**ELAINE MENZEL:** Thank you.

**DeBOER:** Thank you, Senator McKinney. Are there other questions? Let me ask you one. If-- since one of the complaints I'm understanding is that you're saying giving up this 10% takes away some local control, local discretion. Is that right?

**ELAINE MENZEL:** It takes away the community planning. It would take it outside of the community planning collaboration component.

**DeBOER:** OK. So if we didn't take funds from here and we took funds from some other place, you'd be totally OK with this.

**ELAINE MENZEL:** I would have less heartburn.

**DeBOER:** Because--

**ELAINE MENZEL:** But I believe probably so, yes.

**DeBOER:** And that's because it's not taking it out of the community plan?

**ELAINE MENZEL:** Community, community-based aid.

**DeBOER:** Community-based aid.

**ELAINE MENZEL:** I mean--

**DeBOER:** Sorry. My wording is wrong.

**ELAINE MENZEL:** Not, not to be technical.

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**DeBOER:** No, no, no. My wording is wrong, and I'm just trying to get there. OK. So if we didn't take it out of community-based aid, but we took it out of some other pot of money, then you all would be OK with that.

**ELAINE MENZEL:** I, I believe we could get to better resolution, with respect to our beliefs. Yes.

**DeBOER:** What would still be the hang-up? Like, it sounds like there's a little bit of a hang-up.

**ELAINE MENZEL:** I-- well, I just am not positive I've got the right pot of money, but I think it's juvenile services that's nonprofit.

**DeBOER:** I'm saying we create a whole new one, let's say.

**ELAINE MENZEL:** Oh, in-- a whole new one? That would be fantastic.

**DeBOER:** And you guys don't mind then?

**ELAINE MENZEL:** I-- what--

**DeBOER:** It's just that you don't want your pot of money to be smaller. Is that right?

**ELAINE MENZEL:** Correct. And I did-- I perhaps failed to mention, I think you might have been going down a good idea with respect to saying a startup pot of money for new startup businesses. You had asked if that would be a possibility-- or, or something of that nature.

**DeBOER:** OK. Senator McKinney.

**McKINNEY:** Thank you. But some of these organizations aren't startups. They've been in existence for a decade or more. They just don't have the capital that has risen over \$1 million. But what I was going to ask you is, can you describe the community planning and collaboration process that counties are supposed to go through with these funds? Because, because I honestly never heard of this.

**ELAINE MENZEL:** Every 5 years, the community-based aid prior-- well, not only community-based aid, but any app-- grant that is received through the Crime Commission, through the series of statutes that pertain to juvenile services and community-based aid. And I think I'm telling you right. I'm-- I don't have the statutes in front of me to refer back to and that type of stuff. But every 5 years, the

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communities, meaning-- well, I'll tell you in a second. But they have to have a community plan submitted to the Crime Commission prior to applying for their pot of money for community-based aid. And as I alluded to earlier, that community-based aid is predetermined based upon population of-- or juveniles under 18. And then poverty factors are within that, and a series of other-- like 4 or 5 other variables. There are a whole host of individuals selected by the county-- counties. Counties and tribes can work together. There are-- I don't recall the number of counties, but in some places there's as many as 9 counties that work collectively for-- a bigger bang for their buck, per se.

**McKINNEY:** So are they required to like-- because I know with like, some things you're supposed to like, do like community listening sessions or outreach. I've never heard of this. And I'm being like, truthful about this. I've never heard of this happening.

**ELAINE MENZEL:** I-- you-- they're supposed to. And I'm fairly certain-- I, again, I don't have the Douglas County plan right in front of me. But as a component of them applying for their aid through the Crime Commission and-- well, I see their grants because I'm on the grant committee of that Crime Commission and et cetera. But they have to submit their community-based plans. And on the Crime Commission's website, there is a listing of all those county plans that have been created. Now, there's not all 93, because either some of those counties have come together to form a multi-group of counties, or some counties have selected not to participate. There is a good report, and I'd be glad to share you-- the link with you that the Crime Commission has put together on that.

**McKINNEY:** I would, I would love to see it.

**ELAINE MENZEL:** I would be glad to share that.

**McKINNEY:** Thank you.

**DeBOER:** Thank you, Senator McKinney. I think we're done with you now. Thanks for being here.

**ELAINE MENZEL:** I'll be back later.

**DeBOER:** Let's have our next opponent.

**SARA HOYLE:** Thank you. OK.

**DeBOER:** Welcome.

**SARA HOYLE:** Good afternoon, Vice Chair DeBoer and senators of the Judiciary Committee. My name is Sara Hoyle, spelled S-a-r-a H-o-y-l-e. I serve as the director of Human Services for the city of Lincoln and Lancaster County. I am here to testify in opposition of LB585 on behalf of Lancaster County. The Human Services Department provides case management for youth on juvenile diversion. However, the service provision for these youth is delivered through our community-based nonprofit partners. These services are possible through city and county funding, federal funds, and braided community-based aid. Pursuant to Section 43-2404, Lancaster County, in collaboration with community and justice stakeholders, create a comprehensive juvenile services plan that drives the work we do to support youth and their families. Since the County Aid Program was created in 2000 by LB640, our juvenile collaborative decides collectively which agencies are best suited to apply for funding and ultimately vote on what services should be included in community-based aid funding, close to 70% of which funding is directed to community-based organizations. LB585 would replace this process with an environment where our community providers may not all be working collectively towards the same goals and priorities. It establishes a process where agencies will be in competition instead of working collectively for the betterment of our youth and families, sets up the possibility of duplicative programs, and is prohibitive for cost-sharing. I also will point out that the Legislature already funds another Juvenile Services Act grant at the Crime Commission to which community-based nonprofit providers are eligible to apply. LB585 also proposes additional services to be provided through the University of Nebraska-Omaha Juvenile Justice Institute, or JJI. JJI already receives 5% of CBA funding with an additional 5% allocated for a shared dat-- database. In practice, this means that the Crime Commission and counties are precluded from using CBA funds to contract with other vendors and public institutions for evaluation. It also means service providers are required to enter data into an additional database outside of their own agency. There is no other grant program that has this evaluation requirement, especially when a report is required in the same legislation and when this funding already has quality assurance oversight through the Crime Commission. In Lancaster County, we contract with the University of Nebraska-Lincoln to evaluate our system points using de-identified individual level from our police, county attorney, juvenile detention, and juvenile diversion. Currently, we are unable to assess the success of our programs in relation to our existing data collection efforts, as CBA only allows JJI to evaluate these programs. Therefore, we would propose that this evaluation requirement be removed and the 10% allocated for this purpose to be, to be redirected back to the Crime

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Commission, to be distributed to the counties for their own evaluations or for direct services. Thank you for your consideration and for your efforts to help families through LB585. I would be happy to answer any questions.

**DeBOER:** Are there any questions? Senator McKinney.

**McKINNEY:** So thank, thank you. And thank you. Did you say you can't currently assess the success of your program?

**SARA HOYLE:** No. The way that we currently-- the county and the city put in funding because the, the databases don't talk to each other. You would think this day and age they would. But the police database don't feed into the county attorney database, doesn't feed into our detention database. They're all separate. And so the only way that we've been able to track an individual child-- or actually, this is for adults, too, in our county, is by sending de-individualized data. And then it's, it's sent through our da-- our IS system over to the University of Nebraska. And then they're able to track kind of what-- how a, how a kid goes through the system. Now where we run into problems is we don't have the data from this database that our providers are required to use, because that goes-- it's the Crime Commission database, and then the Juvenile Justice Institute evaluates it. So our data, we have all this data we're collecting, but it's not talking to each other. Our community providers, especially our small community providers, because in Lancaster County, we, we do fund small community providers, so they have to enter data into their own database and then into this other database. And they don't have, they don't have the resources to do that. These small agencies, that's a lot on them. And so, what we do outside of what I just talked about, the system point data, is the University goes-- University of Nebraska at Lincoln goes to these agencies. Because we also fund them through our own city and county general funds, because the amount we get from community-based aid is not enough to fund these organizations. So our county and our city put in additional dollars. We then also contract with the University of Nebraska at Lincoln and say, how can we help you pull in more federal dollars? How can we help you as an agency, through an evaluation, be able to show that what you're doing is working. So that's where we were proposing that we would like to see that funding in this 10% allocated over here to this common data set and JJI, go back to the counties so we can use it to evaluate programs in the way they want to be evaluated. One of the, one of the one of the things that we laugh about, but it's frustrating for our nonprofit agencies aside from entering the data, is they're required to complete surveys, pre- and post-surveys. And these surveys, some of the

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questions-- one of the questions they ask kids is when was the last time you used cannabis? Our kids are, what's cannabis? Right, because they don't call it that. It's not pertinent to what they're doing. Did that answer your question?

**McKINNEY:** It did, but I guess how do you-- so you could be doing this work for 5 years and it could be a failing program, but you would never know, essentially.

**SARA HOYLE:** The way it is now?

**McKINNEY:** Yeah.

**SARA HOYLE:** If it's funded solely through CBA and not through county and city funds, in our jurisdiction, yes. Because a lot of times the evaluations are running-- I think the last one I got was 3 years behind. So the evaluation that was just presented to me was from 3 years ago. So I could have a family in a program for an extended period of time and not know it wasn't working until 3 years down the road. So.

**McKINNEY:** OK. And you, you've been here, so you heard the comments that this is not a one-county or two-county issue. It's a statewide issue that the program doesn't work. And there's issues with probably the decision-makers and the need for something to be changed because the program doesn't work for the people it's supposed to work for.

**SARA HOYLE:** I fear it being taken to the state level and away from the community for a number of reasons. And my biggest fear is for everything that was already said here, but to have it happen at the state level. And let me expand on that. We in the community know what our issue is, and I have about 40 community providers at my meetings. They are open to anybody that can come-- that's, that's willing to come. And we talk about the issues. We look at data. And when it's time for our community-based aid funding to go out, it's a sheet that asks about 4 questions. But one of those questions is how are you going to work with the population of kids that are directly impacted by what's happening in our community? And, and I ask that because I want to make sure that the people in the communities at the grassroots level are serving the population that looks like them, that has the experience they have, that's grown up in the same neighborhoods. And those individuals, lots of times, they don't have the resources like you people heard, heard here, to write grant applications, to write them to the Crime Commission. Their application is a lot lengthier than mine. I also want to know what they're doing to address

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disparities. How are they going to ensure that kids coming into our system are served in a way that is equitable? How are they going to reach out to these populations? And those are the questions I want to ask. I also have a youth advisory council. I'm sorry. I'm going to get choked up about them. But I have 22 kids from communities that are disadvantaged that show up and they review our applications, and they tell us which ones should be funded, which ones would make the most impact, where we need to expend services at. We met yesterday for an hour and a half. And I had staff that didn't want to come to work yesterday because of the snow. I had 22 kids, most of which had to take a bus or a zTrip. They came in for my youth advisory council meeting and they talked about vape shops and how, how vaping shops impacted them and their families. But if we, if we took that away from the local control, if we took that away from having those applications reviewed-- reviewed by those kids or reviewed by the community and at the state level, then you have potential community partners that aren't serving the population that I need served in my community.

**McKINNEY:** OK. And I understand that. I guess the issue is everybody isn't in Lancaster.

**SARA HOYLE:** And they should be.

**McKINNEY:** But we're tasked with thinking about the whole state. And that's the issue beforehand, is statewide, we have problems. And for whatever reason, the program isn't working statewide.

**SARA HOYLE:** I don't know if it's something that you could put in the notice of funding opportunity, work with the Crime Commission, so that communities have to have people with lived expertise that are reviewing their, their solicitations when they come in, or they have to have kids that have been impacted by the system. They have to allocate, I don't know, 50% or 25%, whatever, to community-based organizations. I mean, I think I told you my-- the percentage of community-based aid that we give out, 70% of it goes to nonprofit organizations, because those are the organizations in the neighborhoods where our kids live. That's where I want our kids to be served at, and so that's where I think community based-aid goes. But I think it-- I think, collectively, it needs to be at the community level and decided there. But I don't know if there's something you can put in as to who needs to be part of that process at the local level. I don't know why a community wouldn't want those people there.

**McKINNEY:** All right. Thank you.

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**DeBOER:** Thank you, Senator McKinney. Other questions? Thank you for being here.

**SARA HOYLE:** Thank you.

**DeBOER:** We'll have our next opponent. Seeing no other opponents, we'll have anyone who would like to testify in the neutral capacity. Welcome.

**MONICA MILES-STEFFENS:** All right. Good afternoon, Senator DeBoer and members of the Judiciary Committee. My name is Monica Miles-Steffens, M-o-n-i-c-a M-i-l-e-s-S-t-e-f-f-e-n-s, and I'm the assistant director at the Juvenile Justice Institute at the University of Nebraska at Omaha. The views I'm sharing today in this testimony are mine and do not represent the official position of UNO. I'm testifying today in neutral capacity on LB585. In 2015, the Juvenile Justice Institute was written into the community-based aid statute to evaluate-- bless you-- to evaluate the community-based aid grant programs. Up until that point in time, as you've heard, the grant program was started in 2001, and there was little to no evaluation happening except in maybe jurisdictions like Douglas, Lancaster that could afford to be able to have evaluation of their program. So this brought the ability to evaluate approximately 220 programs that we evaluate annually that are funded by community-based aid across the state. To do that, we worked with the Nebraska Crime Commission and programs to develop common program types, definitions, and data variables, to find the right balance of meaningful program evaluation without burdening programs with collecting data for the sake of data. Now, with that said, it is hard to come up with different types of program data across 14 different types of programs, and so we do the best we can in trying to help support those communities. We've observed the benefits of the Legislature's significant financial investment in this grant program across the state. Since its inception, we've seen nearly every county develop diversion programs, we've seen attendance programs help make sure kids are going to school, and we've seen local jurisdictions be able to offer detention alternative programs that weren't available without these dollars. I've included a couple examples of individual program reports with their, with their permission, and you can find all of our reports since 2015 on our evidence-based Nebraska website, which the link is in my testimony. Just to give a quick clarification, Sara mentioned that programs have to submit surveys. That is just for one program type, for prevention, and those surveys were developed in collaboration with Boys Town Research and the brain science. So just to-- there's been a lot of discussion in the neutral capacity. We were just wanting to, again, work with Senator Spivey to bring about some

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considerations to ensure that community-based aid is equitable, equitable across the state, not only for counties but for these community-based programs. So you've heard mentioned that there are unallocated dollars. We would support the idea of using those unallocated dollars for reallocating them for community-based programs. You've heard about the Juvenile Services Commission Grant Program. That's pretty duplicative of the community-based aid program. You've also heard that this was supposed to be a \$10 million program, which it's never reached that. If we were able to reach that threshold, we would able-- be able to serve a lot more community programs-- or if there are counties that decline their funds, being able to open those up to community-based programs rather than turn them back. So we just wanted to say that the Juvenile Justice Institute has been grateful for the opportunity to evaluate so many of these programs. And if the bill passes, we're happy to continue to support this evaluation effort. Any questions?

**DeBOER:** All right. Thank you. Let's see if there are any questions. I don't see any. Thank you so much for being here. Next neutral testifier. As Senator Spivey is getting ready to come back up, I will announce for the record that there were 8 proponent position comments, 2 opponent position comments, and zero neutral. Senator Spivey.

**SPIVEY:** Thank you, Vice Chair DeBoer, and thank you for the committee for engaging in this conversation, and appreciate all the questions, points of inquiry, and comments. A couple of things that I want to address, just from the, the conversation that was had. So this does not remove local control. This carves out 10%, so this doesn't change the intention of the grant program holistically. It's not changing that 90% of the dollars still go to counties and they can still follow their process. What this is saying is that you don't always need an intermediary to operate and to create impact within the services that are needed, and so it allows for a specific carveout for smaller nonprofits at the \$1.5 million budget level or smaller, and that it considers lived experience. So does the staff, are-- have they been system-impacted? Are they from that community? Do they have an understanding to be a part of that process? And so I just want to reiterate that it does not change the intention of the program or remove that 90%. As I stated in my opening, there are 3 major counties that receive majority of the funding, Lancaster included, and they actually expend closer to 80% of their funds. And so they are not having a ton of funds that are unobligated, and of course, they have a more populous county, just like Douglas County is the largest recipient of these funds. As stated, each county has an application process or not that they follow. And so, Senator Storer, you asked a,

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a question just about like kind of what is the average? And so we pulled some Douglas County numbers while we were waiting just so you could have. So in 2023, there are 42 programs that received funding in 10 different categories. And there was also 12 counties that did not have an application or receive this funding across our state. I also wanted to uplift from some of the testimony that this does not require UNO and the JJI department to have to evaluate all of the programs. What the language says is that it's available for the community-based organizations that are smaller to leverage their expertise, because we know there's not always the funding or support when you think about outcomes, outputs, and impact and how that is measured. So it does not require any of the counties or any of the folks that are currently using this program to use a specific evaluator in that way. And then also, I wanted to uplift that when we talk about like these intermediaries, right, and we've been talking about the county, has this program been right? What does that look like? And so, this really allows to go directly to the decision-makers of what does this look like? And so there's lots of layers to this funding already. It starts with the Crime Commission. They have their set of criteria. They ask the counties to apply them. The counties have their process and whatever that looks like, and it differs. We've heard lots of testimony that people have varied experience with it. And I think, to kind of your initial question, Senator Storer, that this allows for a community-based organization to build that relationship and go directly with the folks that are making the decision about these dollars. And it's a 10% carveout, which is about \$600,000, which again, I think this work is already under-funded. I think the other cash-- or the, the aid fund that was named is not sufficient, and that's why we are looking at other opportunities for funding to really invest in juvenile justice. So if that aid fund was enough, we would have right-- resourced this work, solved it, community-based orgs would be applying for it, and the work would be happening. And we would see a decrease in juvenile arrests, we would see a decrease in our kids that are system-impacted on probation, and we're not seeing that. We're seeing an increase. And so we need additional funding. We know there's no money. We have a now, based on projections, a \$200 million deficit, not the \$500 million. And we're still looking for dollars to continue the important work that is in front of us and for our constituents and across Nebraska. And so this carveout, while only \$600,000, would be transformative for organizations that have smaller budget because they are used to doing a lot with less, and now we have a direct investment in them to be able to continue their frontline work, to be based in community. This bill is not saying that counties don't know or understand their community, but every county is

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different. And we know that-- why-- and I appreciate the testimony from Lancaster that they have a process that works for them and they're thinking about how they engage their, their communities very differently. That's not the same across the board. So this provides more equity across the state around who can access the dollars, what does it look like for implementation, while still honoring that counties are still leading this work and it's not taking away the majority of their funding. So I encourage you to advance LB585. I will continue to work with the counties to address any of these concerns and to tighten up the language. But I think this is a, a good opportunity to continue to chip away at what we're seeing around juvenile justice and to provide more investment into our communities and the people that are on the front lines doing this work. And with that, I will answer any additional questions you may have.

**DeBOER:** Are there questions? Senator Holdcroft.

**HOLDCROFT:** Thank you, Vice Chair DeBoer. I'm just trying to get my, you know, understanding, you know, what the vision-- what your vision is with this. So we were talking-- did I read it right-- about \$600,000 is what we're, we're--

**SPIVEY:** Is about the 10%. Yes.

**HOLDCROFT:** OK. So \$600,000. How many organizations did you envision that would be awarded from this-- from these funds?

**SPIVEY:** Yeah. I would want that to be open to the Crime Commission to create that grant process. I think, for me, that is-- the state should not decide exactly what that should look like for the process. I think there can be advisers to that in support. But usually for smaller organizations that have a \$1.5 million budget, a \$75,000 to like a \$150,000 grant is usually right-sized for their agency to be able to, to be able to create more impact. But again, I would want the Crime Commission to be able to weigh in on that grant process and what they envision for the award amount.

**HOLDCROFT:** Yeah. So did you say grant-- a grant between \$75,000 and \$100,000?

**SPIVEY:** Yeah, That's usually what a agency at \$1.5 million needs to see, like, outsized impact. But they could do awards at \$20,000 each. And, and as I mentioned earlier, outside of the 3 largest counties, the, the average size that the states are giving and giving out are

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about \$20,000. And so that is the average when you look at the fund, outside of the 3 largest counties.

**HOLDCROFT:** I'm just looking at the award criteria. And I'm having-- if I was trying to make the decision, I mean, a staff with lived experience, OK, with the juvenile justice system, organization's budget size, which is \$1.5 million or below--

**SPIVEY:** Yes.

**HOLDCROFT:** --and then the location program is a qualified census tract, which really doesn't-- I thought maybe that would narrow it down. But just did a Google search and there were 532 census tracks in the state of Nebraska, and a lot of them are out west, around, you know, North Platte--

**SPIVEY:** Mm-hmm.

**HOLDCROFT:** --those. So, you know, if-- we're not really talking a lot-- about a lot of money here, if-- unless you find some criteria to really restrict it down to maybe like 6 organizations or less.

**SPIVEY:** Yeah. Well, my hope is that this gives guardrails to the Crime Commission, and that they would-- and as I've been in conversation with them, think about what does that grant application look like for implementation. And so I would love-- and as the other testifiers said, I would love for it to be at a \$10 million allocation. We know that the funds are not there and so we have to work with what we have to work with. And I think working with the Crime Commission to help set parameters on the application to make sure that the money that they infuse for that 10% carveout is really impactful across our state, would be my hope.

**HOLDCROFT:** Thank you.

**SPIVEY:** Yeah, Thank you, Senator, for your question.

**DeBOER:** Thanks, Senator Holdcroft. Other questions? Thank you so much for being here.

**SPIVEY:** Thank you, Committee. I hope you have a good rest of your hearing.

**DeBOER:** Thank you. That ends our hearing on LB585, and we will begin our hearing-- oh, did I read the, the-- I did read-- yep. That will open our hearing on LB327, and our own Senator Holdcroft.

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**HOLDCROFT:** Yes. How exciting.

**ROUNTREE:** Thank you, Senator Spivey.

**DeBOER:** Greetings. Greetings, again.

**TIM YOUNG:** Yeah. Greetings.

**DeBOER:** All right. Let's see if we can get started with Senator Holdcroft.

**HOLDCROFT:** OK. Good afternoon, Vice Chair DeBoer and members of the Judiciary Committee. For the record, my name is Senator Rick Holdcroft, spelled R-i-c-k H-o-l-d-c-r-o-f-t, and I represent Legislative District 36, which includes west and south Sarpy County. I am here to introduce LB327, which was brought to me by the Sarpy County Board of Commissioners. LB327 amends Section 29-2259 of statute to shift the financial responsibility for all technology costs and certain probation costs to the state, with funds appropriated to the Supreme Court. Currently, the state provides funding for probation, staff salaries and travel expenses, as well as data processing and word processing hardware and software. The probation system is a function of the state court system. However, counties are currently given an unfunded mandate to provide for all other expenses related to facilitating probation services. LB327 expands the state's financial responsibility to also include expenses incident to the conduct and maintenance of the principal office within each probation district. These expenses include providing office space and necessary facilities for probation staff performing their official duties, as well as expenses for the procurement, provision, management, security, and support of comprehensive information technology services. I believe that LB327 will increase the efficiency of the state's probation system through transferring financial responsibilities from the counties to the state. This transfer is facilitated through collaboration with the State Court Administrator and allows the Supreme Court to adopt rules to enable the transfer of financial responsibilities. LB327 will also reduce the costs of unfunded mandates, encouraging counties to reduce property taxes, while increasing the clarity to taxpayers through having state functions being paid for by the state. So the way that this came about was, you know, we-- last session, we, we, we, we put a cap on the counties and the cities of 3%. And unlike what we did with education, we didn't give them any more funds. We just said your capped, and you need to, you need to manage your budgets. So I sat down with them with the Sarpy County folks, and I said, what unfunded mandates do you have

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that perhaps we could reduce, to help you better stay within your budgets and reduce property taxes? So this is 1 of 5 that we were able to, to come up with. Unfortunately, the Bill Drafters wouldn't let us put them all in one. So this is 1 of 5 . And this-- what this would do is the state would take over essentially the cost of probation from the county, as far as the costs go. So a representative from Sarpy County will testify after me, and they can provide further detail on the impact of unfunded probation costs to the counties. Thank you, Chairwoman Bosn and members of the Judiciary Committee for your attention.

**BOSN:** Thank you. Any questions for Senator Holdcroft? Senator-- thank you. Senator Storm.

**STORM:** Thank you, Chair Bosn. Thank you, Senator Holdcroft. So this is-- the impact is about-- to the state would be, from the fiscal note, \$4 million?

**HOLDCROFT:** How about \$9 million?

**STORM:** \$9 million?

**HOLDCROFT:** \$4 million is for--

**STORM:** I didn't get that far down.

**HOLDCROFT:** Yeah. There's, there's 2 of them. There's \$4 million. There's actually 2 different costs. And of course, it's, it's all transferred back and forth, so the, the real-- the matrix says there's no impact. But \$4.23 million for IT expenses, and then there would be another \$4 million or so for taking over the costs of the rent of the, the offices. So it's really about \$9 million.

**STORM:** OK. So when the, when the governor put limits on counties, that really made this more difficult for their budget, is what you're saying that they have to pick this up, but they can't collect more [INAUDIBLE]?

**HOLDCROFT:** Correct. We-- last, last session, we said that the growth of their budgets could not be over 3%-- no, 0% is actually-- I think zero to inflation, essentially, is what their range is. So I said 3%, but it's actually based on inflation. And, and so that's, that's going to be around 2 or 3%. So their, their budget can only grow. But, you know, we did the same thing for schools-- school budgets.

**STORM:** Right.

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**HOLDCROFT:** But then we gave them, you know, \$300 million to try and manage that. We've given nothing to the counties and nothing to the cities. But we've restricted there, there. So I felt an obligation that we needed to reach--

**STORM:** Sure.

**HOLDCROFT:** --out to them and see if we could get rid of some of the unfunded mandates from the state. And this is it.

**STORM:** Now, so you said-- one more question here.

**HOLDCROFT:** Yes.

**STORM:** And we'll make this quick because I don't want to take too much time. But you said there's 4 other mandates that, that pave the lane in this?

**HOLDCROFT:** Yeah, I mean, I can get them for you. I can't pull them off the top of my head. There's a, a doc stamp is, is, is one of them. I forget. I'll have to get back to you on, on what the other ones are.

**STORM:** I was curious about all the other mandates that they had that-- yeah.

**HOLDCROFT:** I got other, other senators to take them, the other Sarpy County senators, to take those forward.

**STORM:** OK. That's all I had. Thank you.

**BOSN:** Thank you. Any other questions? Senator McKinney.

**McKINNEY:** Thank you. Thank you, Senator Holdcroft. Just a curious question. If this passed, would it impact the budget this year or in '26 or '27?

**HOLDCROFT:** It would probably be next year, I think. So, yeah. But-- and it's going to be-- there's-- I haven't identified the source. I mean, it's going to be up to Appropriations Committee to figure out where this money is going to come from. So it's, it's not-- but it is an unfunded mandate. I mean, we, as a state, have, you know, put this onto the counties to fund these state functions, and we're just trying to back out of that. And, and this is one way of doing that.

**McKINNEY:** Thank you.

**BOSN:** Any other questions? Thank you. First--

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**HOLDCROFT:** I will be here for close.

**BOSN:** Good. First proponent. Welcome.

**DAN TOLEIKIS:** Thank you. Good afternoon, Chairwoman Bosn and members of the Judiciary Committee. My name is Dan Toleikis. That's D-a-n T-o-l-e-i-k-i-s, and I'm the chief financial officer of Sarpy County. I'm here to testify in support of LB327 on behalf of the Sarpy County Board of Commissioners. And I would like to thank Senator Hold-- Senator Holdcroft and his staff, his staff for their work on this bill. Under 29-2259, counties are currently tasked with providing for all costs related to probation services outside of staff salaries, travel expenses, and data and word processing hardware and software. Sarpy County believes that those who direct state personnel or primary state functions should ultimately be responsible for all costs involved with those services or functions. As the probation system is a function of the state court system, this represents an underfunded mandate to counties which we believe should be eliminated through LB327. Our current system, where counties pay for all costs related to probation services other than those mentioned earlier, passes on costs to county taxpay-- taxpayers and can create confusion for county taxpayers on what services are being funded through the county portion of tax bills. Our current system of splitting costs with the state to provide probation services mandates counties to pay for proba-- probation office operational costs. I have provided a handout as an exhibit that shows actual costs from Sarpy County for fiscal years 2020 through 2024, along with our budget for fiscal year '25. We believe that transferring the costs outlined in LB327 to the state will not only benefit the counties and county taxpayers, but will also allow the state to increase the efficiency of the probation system through increased, increased control of their offices. As a county, we rely lar-- we largely rely on property taxes, and we view, view LB327 as an opportunity to reduce property taxes while increasing the efficiency of state and county government. We appreciate the opportunity to work with this committee and the Legislature to address these issues, and we urge you to advance. LB327. Thank you. And I'm available for any questions that you have.

**BOSN:** Questions? Senator McKinney.

**McKINNEY:** Thank you. And thank you for your testimony. Does Sarpy County have a juvenile detention center, or I don't know what to call it.

**DAN TOLEIKIS:** We have a juvenile justice center.

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**McKINNEY:** Justice center?

**DAN TOLEIKIS:** Mm-hmm.

**McKINNEY:** OK. Do you have juveniles that are proba-- on probation or probation holds?

**DAN TOLEIKIS:** I don't know that I can speak to that directly.

**McKINNEY:** OK. All right. Thank you.

**DAN TOLEIKIS:** You're welcome.

**BOSN:** Any other questions of this testifier? Seeing none-- oh, sorry. Senator Storm.

**STORM:** Thank you, Vice Chair-- or Chair Bosn. So property tax is a huge issue in this state. All of us could probably-- when we sit here and we go out and we campaign, that's all we hear, is people want property tax relief. And so, I would be curious to know what, what do you think the best way to, to, to attack property taxes is? I know that's a broad question, but this is your chance to--

**DAN TOLEIKIS:** It is. And I'll very generally say this. Sarpy County has about \$12 million in unfunded or underfunded mandates, and it uses property taxes to pay for those. This is a small part of this-- of that \$12 million, along with those other bills that Senator Holdcroft mentioned. But I believe that that's where it starts, is we need to address funding those mandates from the state or back-- or turning those costs back to the state.

**STORM:** So the state requires you to do certain tasks that you then have to collect money from taxpayers to do it.

**DAN TOLEIKIS:** Correct.

**STORM:** OK. Thanks.

**BOSN:** Senator Hall-- Hallstrom.

**HALLSTROM:** And, and do you anticipate if that funding gap or that hole was filled that we would see dollar-for-dollar property tax relief?

**DAN TOLEIKIS:** It would certainly allow for the opportunity for that.

**HALLSTROM:** Thank you.

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**BOSN:** Any other questions? Thank you for being here.

**DAN TOLEIKIS:** Thank you.

**BOSN:** Next proponent. Welcome.

**ELAINE MENZEL:** Good afternoon, Chair Bosn and members of the Judiciary Committee. For the record, my name is Elaine Menzel. My-- spell my name is E-l-a-i-n-e M-e-n-z-e-l. I'm here today on behalf of the Nebraska Association of Counties on-- in support of LB327, for the same reasons that Senator Holdcroft introduced the legislation. First of all, we would like to express our great deal of appreciation to him for introducing this legislation. This continues the theme that you had last year with-- or not last year. Let's take you back to just last week, but to the discussion about the appropriate balance of the state versus county paying for different services that are provided by the courts and, and other types of things. In this case, we believe that it would be helpful and appreciated if the state would take on this responsibility. You'll-- you have heard and will continue to hear through the year about the dialogue related to loss of revenue sources, perhaps through inheritance tax or something of that nature. And so we've evaluated, in addition to legislation introduced by Senator Holdcroft, some of the other unfunded, underfunded mandates and that type of things. So-- and I-- to wrap it up, I will just say we would ask you to support this legislation and relieve counties of the cost of probation. If you have any questions, I would be happy to attempt to answer them.

**BOSN:** Any questions for the-- Senator Rountree. Sorry.

**ROUNTREE:** Thank you, Madam Chair Bosn. And welcome. It's good to have you. Thank you. Thank you, ma'am. And last week, we were talking about the judicial-- changing of our clerks and so forth. So this is probably going to be a few times down the road. But in this particular process, have we coordinated with the state, as well, for taking this one-- collaborated with them, as well?

**ELAINE MENZEL:** Meaning probation?

**ROUNTREE:** Yeah. Probation, if it's-- if the state's going to fund it, have we talked with our state members about funding and so forth? Or--

**ELAINE MENZEL:** I haven't had--

**ROUNTREE:** OK.

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**ELAINE MENZEL:** --the opportunity to, recently. I'm not certain what their position will be.

**ROUNTREE:** OK.

**ELAINE MENZEL:** I'm not going to surpri-- I won't be surprised to see a differing viewpoint, but I don't know that for sure.

**ROUNTREE:** OK. All right. Thank you.

**BOSN:** Any other questions? Thank you for being here.

**ELAINE MENZEL:** Thank you.

**BOSN:** Next proponent. Anyone wishing to testify in opposition to this bill? Neutral testifiers? You looked ready to get up. I just wasn't sure if I gave you enough time.

**GENE COTTER:** About to find out our answer on how we're going to testify.

**BOSN:** OK. Welcome.

**GENE COTTER:** Thank you very much, Chairwoman Bosn. My name is Gene Cotter. Good afternoon to the committee. My name is Gene Cotter, G-e-n-e C-o-t-t-e-r, and I am the Nebraska State Probation Administrator. I am actually here today to testify in a neutral capacity. Probation is and will continue to be good collaborative partners with the counties and communities in which we live and work. No matter which corner of the state, the people we serve are residents of those communities. As the bill reads today, some of the provisions outlined are vague as written, lacking some clarity around, for example, and I quote, what incident to the conduct and maintenance of or, quote, necessary facilities of probation staff performing their official duties are. These costs could be defined differently by each of the state's 93 counties. And believe me, in, in an effort to put together that fiscal note-- we tried to put that together. And as you saw in the note, we, we struggled with that. Having said that, and to move the ball up the field, the judicial branch is an advocate for the portion of this bill that moves and-- excuse me-- moves the cost and oversight of probation IT, currently tasked to the counties, to the judicial branch. In 2023, we began transition and consolidation of our IT infrastructure away from the Office of the Chief Information Officer and to our own IT infrastructure. This move allowed us to ensure judicial, judicial branch specific work product was uniform, secure, and focused our support efforts. Because probation IT

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hardware, software, and support currently is the responsibility of the local jurisdictions, probation staff have not experienced the full benefits of the transition. Further, probation IT services and support varies across the state. In some counties, like Sarpy County, we have a strong partnership with the local IT departments, which leads to great, readily available IT support, while in other areas of the state we have absolutely no opportunities or resources for IT support. Moving the probation IT services away from the county to the judicial branch would, would be a very significant step in creating continuity for judicial branch IT and provide property tax relief to the counties. With that, I thank you for your time today and I would be more than happy to answer any questions.

**BOSN:** Questions of the committee? I have one. So as it relates to your concern for clarity, do you have a proposed language-- did you-- do you have any proposed language you would suggest?

**GENE COTTER:** You know, I know that we testified in a similar bill recently. And some of that, I mean, there was stuff about principal upkeep of the general offices, some of the things that are in the bill, talking about principal offices. Well, what that means to us is, for example, if you go to Senator Storer's district, we have a principal office in O'Neill, but then we also have other ancillary offices throughout that district. And so, you know, I don't know that I have any specific language as I sit here today to suggest, but I think that there's probably things that, that could be discussed in there that could clarify those things.

**BOSN:** OK. I appreciate that. And hopefully, you, you can make some of those recommendations. Because I, I understand what you're saying, but I think his intention certainly is to try to be helpful. And so if you've got something that would be helpful--

**GENE COTTER:** Sure.

**BOSN:** --let us know. Awesome. Any other questions in light of that? Thank you for being here.

**GENE COTTER:** Thank you.

**BOSN:** Any other neutral testifiers on LB327? All right. While Senator Holdcroft is making his way up, I will note there were 6 proponent letters submitted, no opponent, and no neutral letters. It would probably get you some votes.

**HOLDCROFT:** Everybody, everybody likes this idea.

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**BOSN:** No neutral, no opponent letters were submitted. Welcome back, Senator Holdcroft.

**HOLDCROFT:** Thank you, Chairwoman Bosn. OK. These are the other bills that are designed to try and relieve the counties of these unfunded mandates. Indigent defense. This is for someone who can't afford their defense. The counties pick that up, the state doesn't. Court costs, also not-- picked up by the, by the counties, not by the state. The doc stamp. Now the doc stamp is a little tricky. The doc stamp is, is collected by the counties, but then it's farmed out. It's piece-- and they, they don't get to keep very much of it. This would allow them to keep the whole doc stamp and apply that towards property tax relief. And DHHS offices. Currently, the county-- I mean the state-- no, the county pays for the DHHS offices, and the state would take these over. So these are all bills that are progressing. Obviously, there's-- right now, there's no funding really, to take care of them. I wish it was 2023, and we had a \$1.5 billion surplus, but we don't. So we'll have to, to work through that. To answer Senator McKinney's question about when this would go into effect, it says that the-- actually, it's up to the the, court administrator, the State Supreme Court Administrator. He has to choose some da-- some time between 1 July 2025 and 1 July 2026. That's when it would happen. We do have juvenile-- was your question, Senator McKinney, about juvenile probation in Sarpy County? We, we actually have a very good program. I've toured it a couple times. I think it's very effective. So, yes, we do have juvenile probation in Sarpy County. And just the-- you know, it continues, the unfunded mandates. Senator DeBoer has a bill that would do away with the fees for a juvenile. Well, you still have the costs, and who's going to pick those costs up? It's going to be the county. So the county will-- again, we're just-- again, we're doing things that are great, that everyone thinks is a great idea, but the unattended cost is that the counties are having to pick up these. And, and the only way-- like the CFO said, there are \$12 million in unfunded mandates in just Sarpy County. And those are being paid for by property tax. So with that, I'm happy to answer any of your questions.

**BOSN:** Any questions for Senator Holdcroft? Thank you.

**HOLDCROFT:** Thank you.

**BOSN:** Yes. That concludes LB327. And next, we will hear from Senator Hallstrom on LB488. Welcome.

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**HALLSTROM:** Chairwoman Bosn. My name is Bob Hallstrom, B-o-b H-a-l-l-s-t-r-o-m. I'm state senator representing Legislative District 1, here today to introduce LB488. I would suggest there are 2 reasons, at least, for supporting this bill. First, it provides clarity, which ensures a peace officer has the statutory authority to assume custody of a probationer or temporary custody of a juvenile probationer when called upon by a probation officer, when the probation officer has exercised their powers of arrest. Second, it ensures that when a probation officer calls upon a peace officer to assist them, the custody of the individual seamlessly moves to the law enforcement official. The intent of LB488 is to enhance current Nebraska statutes by adding language regarding custody matters for both adult and juvenile probationers. The bill specifically provides clarity regarding the peace officer's ability to arrest and assume custody or temporary custody when called upon by a probation officer to assist. The incidents when a probation officer calls on a peace officer for assistance can be urgent and critical situations. When this occurs, the probation officer has determined that conditions of probation have been or are about to be violated and the probationer will attempt to leave the jurisdiction or place lives or property in danger. Current language has resulted in confusion, as it speaks to the ability for a probation officer to call upon law enforcement for assistance, but does not clarify the role of the peace officer. This has resulted in law enforcement voicing concerns that they don't have the authority to take the probationer into custody when requested. Therefore, the primary purpose of LB488 is to improve public safety and clarifies the role of the peace officer, to ensure they have authority to take an individual or juvenile into custody when called upon by a probation officer. I would note that I've reviewed the comments online. Douglas County Sheriff's Office has indicated their concerns and their opposition. I do appreciate at the end of that online comment, that they've suggested their willingness to work and carry out our, our joint and shared objectives, and they're concerned about some of the cost and some-- how this would effectuate itself in practice. I have been contacted by the Otoe County Sheriff in advance, as well, indicating that there may be some issues with manpower to carry out the obligations under this. So I am certainly all ears, in terms of looking at solutions to address the concerns that have been expressed by those who may appear in opposition today. And I would appreciate any questions that you might have.

**BOSN:** Questions for-- Senator Storer.

**STORER:** Thank you, Chairman Bosn. As it-- and thank you, Senator Hallstrom. It appears that this is really just sort of clarifying. As

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I read the current statute, it already provided for that, but there must have been a need for clarification or situations or--

**HALLSTROM:** Yeah, that's, that's my understanding of it. I've worked with the Supreme Court Administrator and Probation Office on this, and that was the way that they described the issue. I think in, in practice, there may be some other issues, in terms of perhaps looking at whether there's manpower capacity out there, particularly in the rural parts of the state, whether or not there are some costs. And I, I think that's something that I raised initially, as to whether or not there could be some reimbursement if there are additional costs that are associated with, with the clarification of the language and the duties and the obligations of, of peace officers.

**STORER:** So we're kind of changing a "may" to a "shall." I mean, would that be--

**HALLSTROM:** That's, that's part of it. Yes.

**STORER:** And, and with the, the primary concern about cost and we-- I assume we're going to hear later-- with later testimony, but is with the juveniles in particular, like, taking them into custody or is it just across the board, being called upon for--

**HALLSTROM:** I, I just from reading the online comments, I think there were some issues, and from talking to the Otoe County Sheriff, there's just some issues of, of clarity being needed, as to whether or not they're going to have to travel some distance to pick up a, a juvenile probationer and things of that nature, that certainly, we're willing to sit down and visit about.

**STORER:** Thank you.

**HALLSTROM:** Thank you.

**BOSN:** Senator McKinney.

**McKINNEY:** Thank you. And thank you, Senator Hallstrom. Actually surprised by the opposition to this bill, if I'm being honest. I see the Police Officers Association of Nebraska and also, the Douglas County Sheriff. And part of his comments was it outlines an ill-planned and focused effort at relieving the Office of Probation from the roles and responsibilities of its officers. This mandate is neither mutually reciprocal, nor does it seek the input of a sheriff with regard to evaluating risk or establishing reasonable grounds for

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violations of the law or the conditions of probation. How do you respond to that?

**HALLSTROM:** Well, I, I suppose I've had some people suggest recently that some of my bills were ill-planned. I don't agree with them. But at the same time, you know, I respect, I respect the, the sheriff's concerns. I haven't had an opportunity to talk to them directly. I think that would be helpful, to find out exactly what the nature of their concern is on, and I look forward to, to doing that to, to provide myself some clarity, as, as you suggest as well, Senator.

**McKINNEY:** Yeah. And I don't-- and it's not-- you're not changing it. But also, I just-- I really don't like the language of the statute that says like reason-- basically, reasonable suspicion that somebody is going to violate their probation. Do you-- did probation tell you what that reasonable suspicion might be?

**HALLSTROM:** I, I haven't had those conversations. I certainly will, will look into it from that perspective, Senator. But we-- I haven't talked to them about that, specifically. It's existing law.

**McKINNEY:** Yeah. No, I know. Thank you.

**HALLSTROM:** Thank you.

**McKINNEY:** Yep.

**BOSN:** Other questions? Senator Rountree. Sorry.

**ROUNTREE:** Thank you, Chairman Bosn. And so just real quick, and so this was brought by the probation officers?

**HALLSTROM:** Yes. The Supreme Court Administrator had gotten in touch with me.

**ROUNTREE:** OK. OK.

**HALLSTROM:** Thank you.

**ROUNTREE:** Gotcha. Thank you so much, Senator.

**BOSN:** Good question. Any other questions? Seeing none.

**HALLSTROM:** Thank you.

**BOSN:** First proponent. Welcome.

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**BOB DENTON:** Good afternoon, Chairwoman Bosn and members of the Judiciary Committee. My name is Bob Denton, B-o-b D-e-n-t-o-n. I am the deputy administrator for the Adult Probation Services Division with the Administrative Office of the Courts and Probation. I testify today in support of LB488. First of all, I want to thank Senator Hallstrom for introducing this bill. Nebraska law currently provides that whenever a probation officer has reasonable cause to believe that a probationer or juvenile has violated or is about to violate a condition of his or her probation and that the probationer or juvenile will attempt to leave the jurisdiction or place lives or property in danger, the probation officer shall arrest or detain the probationer or juvenile without a warrant and may call on any peace officer for assistance. LB488 would clarify the current statutes by adding language, ensuring law enforcement has the authority to assume custody of a probationer or temporary custody of a juvenile probationer when a probation officer has exercised their power of arrest. The enhancement would also help to seamlessly transfer custody from the probation officer to the law enforcement official. Unfortunately, the "may call on a peace officer for assistance" language has caused confusion. Probation officers across the state have experienced numerous situations where law enforcement entities have a differing interpretation of the statute and have expressed a belief that since they did not initiate the arrest, they could not or should not assist or could not assume custody of the individual. Others have believed that their assistance required a court order. Probation officers are limited in their ability once an arrest has been made. And in certain situations, law enforcement assistance is a necessity. Probation officers are not equipped or trained to deal with a combative or individuals resisting efforts to take them into custody, nor do we have specially-equipped vehicles to hold or transport individuals in custody. This creates a safety risk to probation officers, the community, and individuals and juveniles being detained. I would like to point out that overall, I believe we have a very cooperative and collaborative relationship with law enforcement. However, the vagueness of the law has created misunderstanding. We ask that these statutes are further clarified to provide clearer understanding of the intent of arresting individuals and detaining juveniles within the community when necessary to ensure a community's safety. Therefore, LB488 supports the ongoing cooperation between probation and law enforcement to ensure public safety, and clarifies the role of law enforcement to ensure they have the authority to take an individual or juvenile into custody when called upon by a probation officer. And I would be happy to answer any questions.

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**BOSN:** Thank you. Senator McKinney.

**McKINNEY:** Thank you, Chair Bosn. Thank you. So if a probation officer is arresting somebody, are they already violated at that point? Like, it, it-- I'm just trying to understand.

**BOB DENTON:** So the statute allows that a probation officer can arrest or detain an individual based on the reasons I stated, you know, have violated, will violate, are going to flee the jurisdiction. But that arrest then has to be submitted to the county attorney for review. The county attorney then determines whether there's legitimate reason to keep that person in jail or not. That arrest could turn in-- for an adult, could turn into a custodial sanction. It could result in them being released. It could result in them having a violation of probation submitted.

**McKINNEY:** So the initial kind of arrest by the probation officer is kind of like a hold.

**BOB DENTON:** It, it is.

**McKINNEY:** OK.

**BOB DENTON:** It is. And, and we, you know, we, we don't encourage probation officers to arrest and detain. It's in extreme situations, where we feel like they're going to put someone in danger or themselves in danger. So we try to avoid those situations, but they do occur and they are necessary.

**McKINNEY:** All right. Thank you.

**BOB DENTON:** You're welcome.

**BOSN:** Any other questions? Going once, twice-- thank you for being here.

**BOB DENTON:** Thank you.

**BOSN:** Next proponent. Anyone wishing to testify in opposition to this bill? Good afternoon.

**TERRY WAGNER:** Good afternoon, Senator Bosn.

**BOSN:** Yes.

**TERRY WAGNER:** Nice to see you.

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**BOSN:** You, as well.

**TERRY WAGNER:** --and members of the committee. My name is Terry Wagner, T-e-r-r-y W-a-g-n-e-r. I'm the Sheriff of Lancaster County, and I appear today before you on behalf of the Nebraska Sheriffs Association, the Police Officers Association of Nebraska, and the Police Chiefs Association of Nebraska in opposition to LB488. First and foremost, LB88 [SIC] proposes yet another unfunded mandate, that we've spoken about earlier, imposed upon counties and citizens from, from state government. We believe the current language in 29-2266 and 43-248, allowing an adult or juvenile probation officer to call upon a peace officer for assistance when taking a probationer into custody is sufficient. If we are able to assist, we will. There may be times when a deputy or an officer is not available or call volume won't allow an officer to be out of service for a longer period. I believe we can plan better with probationers, if they need to take somebody into custody and we can assist them with that. Whereas LB488 requires, requires a police officer to arrest and assume custody when called upon by a probation officer, without considering the current workload of the agency or the distance to a juvenile holding facility that some agencies face. In Lincoln, we are fortunate to have facilities close by, but my colleagues in other parts of the state may have to drive several hours to a juvenile holding facility, taking the officers out of service when they might be the only law enforcement officer providing service in that community. I am not aware of any law enforcement officers who have refused to assist probation officers without good cause. I, I talked with my staff about this situation, and juvenile probation officers or probation officers can write out a hold order, which they do. And we require them to do that before we will assist them, to take somebody into custody. I believe LB488 is a solution looking for a problem to solve. LB488 is not the answer to the unknown question. I urge you to indefinitely postpone LB488. Thank you. And I would be glad to answer any questions that you might have.

**BOSN:** Questions for this testifier? Senator McKinney.

**McKINNEY:** Thank you. Thank you, Sheriff. So what if a probation officer is a woman and she needs to arrest a male that is big in size?

**TERRY WAGNER:** OK.

**McKINNEY:** And she needs you to help. Are you going to turn her down?

**TERRY WAGNER:** To my knowledge, we've never turned anybody down. I think the, the issue here might be, well, we don't have the people on

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right now, or we're really busy right now. Can we do it at 7:00 tonight? Can we do it at 8:00 tomorrow morning? I think we could plan that better, depending upon the circumstances.

**McKINNEY:** OK. I guess, I guess the bigger or easier question is, do you anticipate an increase in requests from probation to assist with arrests, I guess. Are, are you, are you anticipating like this big increase in probation saying, hey, we got to arrest these people. Help us.

**TERRY WAGNER:** I don't, I don't have the answer to that question. I don't know. I don't know. I don't know what I don't know. I mean, that's the, the issue. So, could, maybe, maybe not. I don't-- I'm not sure.

**McKINNEY:** OK. Thank you.

**BOSN:** Any oth-- Senator Rountree.

**ROUNTREE:** Thank you, Chair Bosn. Thank you, Sheriff, for being here and for the testimony. Mine is just on the funding piece. I heard you mention an unfunded mandate. There's more costs that's going to be attributable to you. We just heard the prior bill talking about probation services going to our state and judiciary. Could you have something like, maybe a memorandum of agreement, understanding that your services that are allocated to the probation side, this assistance, you may be able to get some funding back from the probations or judiciary, so that you don't have that cost out of your pocket and your budget? Just a thought.

**TERRY WAGNER:** That's an interesting thought, and I'm trying to, trying to digest that to see if we've ever been successful in recouping fees from the state. Not very often.

**ROUNTREE:** OK. All right. [INAUDIBLE].

**TERRY WAGNER:** Not to be, not to be rude to the state, but not very often.

**ROUNTREE:** Collaborating. All right. Thank you.

**TERRY WAGNER:** I just remember the jail reimbursement bill from years ago and there was a cap. And so if you didn't get your, if you didn't get your quarterly numbers in, you didn't get any money. So.

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**ROUNTREE:** Didn't get it. OK. I think I heard somebody say the other day, they used the term like while you snooze, you lose. I think Senator Holdcroft said that.

**BOSN:** That sounds right. Senator DeBoer.

**DeBOER:** Thank you. How often does this come up in Lancaster County? You're one of the bigger counties. About how often would you say this comes up that you get a call?

**TERRY WAGNER:** Not very often.

**DeBOER:** Like once a year? Once a month?

**TERRY WAGNER:** I, I don't really have an answer to that question. You know, I asked my command staff this morning, how often does this happen, or what do we do when this happens. And they explain the process. I don't think it happens very often. I would say not more than a couple of times a month.

**DeBOER:** OK.

**TERRY WAGNER:** But they may not call us in Lincoln. They might call the Lincoln Police Department. And I don't know what kind of call like that might be.

**DeBOER:** Right. OK. Yeah, makes sense. Thank you.

**BOSN:** It's also true that you guys use a least restrictive model. So some of those kids are going to Cedars because it's less restrictive than detention. So you-- there could be some kids who are being filtered out of needing your services. Is that fair to say, too?

**TERRY WAGNER:** That's-- yeah. There's a number of different options that we have. But I know we talked to my colleagues out west. You know, they may not have a juvenile facility. And I think-- you know, Sheriff Henery might tell you that it might be hundreds of miles to the nearest juvenile facility if they have to transport a youth there, you know.

**BOSN:** Sure. Any other questions in light of that? Oh, I'm sorry. Did you have your hand up and I didn't see it?

**STORER:** Nope, just now.

**BOSN:** OK. Senator Storer.

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**STORER:** Thank you. Following up on some of the, the previous questions, I guess, how often this happens. And I'm just kind of trying to wrap-- I mean, I, I absolutely understand the concern of, you know, unfunded mandates and maybe placing an additional burden. But in the event-- I mean, a-- has there been instances where you were called upon that you just couldn't come or, or an officer was unwilling to come? Would this really change anything, I guess is what I'm asking.

**TERRY WAGNER:** Well, we're, we're not in the business to break the law. So if it says we shall, then we shall. But if it says we may, then we have some discretion there. This takes that discretion away.

**STORER:** I, I understand. There's a big difference between the two words.

**TERRY WAGNER:** Yes.

**STORER:** But, but in, in the past, just help me understand how, leading up to this, has there been-- how often in one year's time has there been when you were called upon for assistance that you just couldn't for some reason help the probation officer?

**TERRY WAGNER:** I'm, I'm not aware, I'm not aware of any. But that doesn't mean it didn't happen, but I'm not aware of it.

**STORER:** And I mean, we've seen-- I've served as a county commissioner, so I get the, I get the cost side of it, too. On the, on the flip side, you know, when, when you're in a-- especially in a rural area, and you have-- I mean, we've seen-- we're going to be hearing a lot more issues on juveniles. When you have a-- somebody who is in a position to pose a threat to their community or their family or whatever the circumstance may be, is, is it unreasonable to expect that law enforcement wouldn't be able to provide assistance?

**TERRY WAGNER:** If, if I understand your question correctly, if, if somebody is, is being a safety hazard to the community, they're probably committing crimes to, to promote their safety-- their, their "hazardness."

**STORER:** Right.

**TERRY WAGNER:** We, we could arrest them for those crimes they commit, and then let probation handle a probation violation if that-- if that's a part of it. To have no other-- I think this bill talks about having no other charges but a probation hold or a probation violation.

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I believe that's how this bill is addressed. So this doesn't take into account if a probationer commits another crime, we, we can arrest them for that crime, and then probation can examine and evaluate whether or not the, the probable cause we have for this crime violates the probation here. Does that make sense?

**STORER:** It, it does. I mean, and I know that that can get to be sort of a gray-- I mean, it's not, it's not a gray line. It's pretty clear when, when someone actually does break the law or has, has committed a crime. And, you know, Senator McKinney expressed some concern or had some questions about, you know, knowing when or suspicion of that somebody is going to violate their probation or-- so I understand that. But when somebody is in the-- on probation, clearly, their probation officer is going to have a pretty good idea of their patterns and behavior. And I would think that we, we would all agree that there's-- they would have a good baseline to know that, hey, we're about ready to have a problem here. Right. When I read this, you know, will place, when they feel that their probationer will attempt to leave jurisdiction or place lives or property in danger, which indicates to me there's a pretty certain-- a probation officer is going to have a pretty certain-- be pretty certain that that's gon-- about to happen. So is it, is it better that we prevent-- take more preventative measures in the case of someone on probation who has, obviously, an established record of behavior, they know, they know those patterns, versus waiting until they actually do commit the crime?

**TERRY WAGNER:** Yes. That's the short answer. I, I think it, it gets a lot more complicated than that. But I think you're absolutely right. It'd be great to prevent a crime, but that, that may not be possible. It just depends upon-- it depends upon the knowledge that that probation officer has, and so on, and-- just like you said.

**STORER:** Right. Which, which is how I read this. I mean, that's, that's sort of the, the whole intent. So I-- when it comes down to it, your real concern is "may" to "shall." That, that-- do you feel like this may be abused or it's just going to be an undue burden placed on--

**TERRY WAGNER:** I, I think, you know, if you look at, if you look at a, a lawsuit against a law enforcement officer for false arrest for this sort of situation, it doesn't matter what the probation officer tells us. It's our responsibility to make sure that there's probable cause that-- you know. And so, it, it gets a little dicey when we're responsible for somebody else's word on what's going to happen. So.

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**STORER:** Although, is it possible this would actually give you more protection? Because the law says shall, if the probation officer--

**TERRY WAGNER:** It does on the state level. It does on the state level, but it doesn't on the federal level. So a 1983 lawsuit or a, a civil rights lawsuit, it probably would not protect us.

**STORER:** Thank you.

**BOSN:** Any other questions? Thank you for being here.

**TERRY WAGNER:** Thank you.

**BOSN:** Next opponent.

**DON HENERY:** Good afternoon.

**BOSN:** Welcome. Did you find the cafeteria earlier?

**DON HENERY:** I found it.

**BOSN:** Good.

**DON HENERY:** Thank you. And the food was good.

**BOSN:** Good.

**DON HENERY:** My name is Don Henery, D-o-n H-e-n-e-r-y. I'm from the frozen tundra of Knox County, 3.5 hours north of here. A lot of what Sheriff Wagner said is true. He's a large department and it applies to him. It also applies to me in the small rural departments out in the tundra and out west in the Panhandle and everywhere else. Manpower is a real issue, whether it be with our officers, our jailer/dispatchers-- which, we are, by policy, are required to, to take 2 officers or an officer and a jailer/dispatcher on a transport. I talked to-- we use Madison, Northeast Nebraska Juvenile Detention. I talked to Mark Benne this morning. He's running full right now. If we had somebody, I said, well, where do we go next? Well, you go to Sarpy or you go to Lancaster, but they might not take you because they like to keep beds open for themselves, too. I know probation-- I believe probation also contracts with a facility in Cherokee, Iowa. I'm not 100% on that, but I can't go across the state line without some paperwork. And on a warrantless arrest, you don't have paperwork. I think the other problem is I'm required to do a 48-hour affidavit on a warrantless arrest, yet they're not mentioned anything above 48-hour affidavit. In the rural area, we don't have a judge in Knox County,

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district or county. We have a part-time county attorney up in Knox County, who may or may not be available on the weekend. You throw in a three day weekend, you throw a holiday, you have problems. I wish Senator Rountree was here. I would agree with him if the wording said shall, like it's trying to say for us on the reimbursement. Instead of may reimburse shall reimburse, I think, would be a good thing. Remind me when my time is up to tell you about sanctions, because I got a lot of things to say about sanctions. But I have these lights in front of me. So we get a call at 3 in the morning and we're asked to take somebody into custody without any paperwork. And by the way, that probation officer is probably not there, because they're an hour away in Norfolk, Nebraska. That's where their office is. I don't know of any probation officers that live in Knox County. So they come up and visit us. They come up and visit their clients. We actually have more hands-on with the clients than they do. We know these people. We know if they're going to be in trouble. And I would say, it's probably out of every 10 phone calls I make to try to detain a juvenile, I'm told they don't meet the current formula, the correct criteria to even detain them anyhow, so I have to turn them over to parents. So they're talking about one thing that I have had happen once in 4 years. I'm talking about something we go through maybe once every other month, once a month, trying to detain a juvenile and being refused. As far as the verbal goes, if-- the nice thing about asking for something in writing-- the nice thing about asking for a court order is it gives us time to prepare to get somebody who's off-duty to come on-duty to do the transport, to line up a matron or jailer, if I need one for a juvenile or a female prisoner, and it gives us a chance to prepare, like we would anything else. We don't go on a search warrant without preparing, we don't go do anything without preparing. And to do something on a whim-- on a phone-- not a whim, on a phone call, is something I don't think we should be doing without fully investigating ourselves. The probation man said himself, they're not trained-- they are trained, but not trained like we are. We are the ones that make that decision out there every day. We're the ones that make the 48-hour affidavits on warrantless arrests. We are the ones that have been trained through the training center, through, through experience. I have a red light. I'm passionate. I'm sorry. Questions.

**BOSN:** Any questions for this testifier? Senator Storm.

**STORM:** Thank you, Chair Bosn. If you want to finish, go ahead.

**DON HENERY:** OK. Thank you.

**STORM:** You're from Knox County, so you drove a long ways.

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**DON HENERY:** We-- as I said, we have a manpower shortage, which, which is part of it. What I haven't covered here is the cost. I don't see where it's addressed. Currently, if we take a juvenile into custody on a, on a violation of probation, all the costs are on, on probation. We take them to Madison, if that-- if they can house there. Probation pays that cost. They have a medical problem, probation pays that cost. I don't charge them for transporting them down there. I'm glad to get rid of them. So-- and I'm glad to get him behind bars or, or behind a staff secure-- where they can't cause any more trouble. But probation picks up the bill on all that. And I'm, I'm afraid the county is going to be asked to pick up all this because now, they're our custody. They're not, they're not in probation's custody. And that, for a county the size of ours, could amount to a lot of money. I heard a lady testify today, something about \$100,000 on, on one juvenile. Knox County can't take that. I don't know any county that-- I don't know that Lancaster County could take that. I'm sorry the state has to take that, but that's the way it is. And I think I've said my fill. Thank you.

**BOSN:** Senator Storer.

**STORER:** Yes. Thank you for driving all this way. I, I know where you're-- I know where you live.

**DON HENERY:** Yep.

**STORER:** Would it, would it bring some-- would it make this bill better if we clarified in here who would cover that cost? I mean, we, we just heard a, a bill presented prior to this, recommending that the state take over all the probationary cost. And if we made it clear in this bill that the state would also cover the cost incurred by--

**DON HENERY:** I, I think, I think it needs to be in there. I, I, I really do. I think it needs to be crystal clear who picks up that cost, and that is probation, not that it's Knox County, Lancaster County, Otoe County, whoever. I, I think that needs to be clear. So-- and I think it-- you missed out, Senator Rountree. I agree with what you said, but I would like it to say shall instead of may--

**ROUNTREE:** Shall. OK.

**DON HENERY:** --on the reimbursements.

**ROUNTREE:** OK. I'm good.

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**DON HENERY:** Just so you know. I, I think it's a good point, but I think it's should say shall, just like they want to say to us-- shall. So-- but it goes past that because, as I said, I'm shorthanded. So I typically have one count-- one deputy on per shift. So that deputy takes off now, and I have to put somebody on overtime to cover for him. And, and if a juvenile, I have to find a jailer/dispatcher to send with him, and then put another one, who would be on overtime or put one back in the office on overtime. So them are also costs that the county has to absorb, too. And--

**STORER:** Well, you could ask Elsie [PHONETIC].

**DON HENERY:** Well, we do.

**STORER:** All right.

**DON HENERY:** I'm not sure she would always like to go in this weather, though.

**STORER:** My favorite resident of [INAUDIBLE]. Thank you for-- and your point is well taken because obviously, a rural county is-- pose a very different situation. But one last question. How often have you been called upon to help?

**DON HENERY:** I remember one distinct time in the last-- and, and time, as you all will find out if you're not my age, when you get there, time does have a habit of flying. I remember one time where there was a probationer in Wausa, Nebraska on a home visit and she would not go back to the detention center. She was on a, on a furlough. And we had court that day and we had some very serious crimes in court. So we had everybody there doing court security. We called the Nebraska State Patrol. They're shorthanded, too. It-- nothing against them. They didn't have a trooper available to do it. So what we ended up doing was, I think a trooper came out of-- somewhere south of Norfolk. It was a female probationer, so the female probation officer rode with the trooper to take her back to Madison, forcibly. And that's the only one I can remember where I couldn't go. Most of the time, it's the other way around. It's me, calling saying-- a good example, you might or might not remember about 3 years ago, we had a, a big car pursuit that started by the casino, ended up south of Riverview, Nebraska. They bailed, they left their gun behind, luckily, when they bailed. We chased them on foot for 2 days. And when we caught them, I called Probation. Even though he had a, a .22 pistol with him, it was his 6th vehicle he had stolen on that spree that started in South Dakota. They would not house him for us, but it was a violation of juvenile parole

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in South Dakota. So we held him on that for South Dakota, who sent the mom down the next day to get him. Long story short, 6 months later, the same juvenile shot the arm off a guy in a drug deal that went bad in Yankton, South Dakota. But he wasn't good enough to be placed in our, our facility. So, there's more stories like that out there.

**STORER:** I think you're going to have the opportunity to come back at a later date on another bill and testify.

**DON HENERY:** I'd be glad to.

**BOSN:** Any other questions for this witness-- or testifier? I'm sorry.

**DON HENERY:** I've been a witness a lot of times, ma'am. Trust me.

**BOSN:** I won't make you do it today. Well, thank you very much for being here.

**DON HENERY:** Thank you for allowing me to vent a little bit and to testify a lot. And--

**STORER:** Drive careful.

**DON HENERY:** I'm hoping it's-- they're talking 25 below without wind chill tonight, so I'm going to try to get home before that happens.

**BOSN:** Please be safe.

**ROUNTREE:** Yes, be safe.

**BOSN:** Next opponent.

**ELAINE MENZEL:** Proponent.

**BOSN:** Oh, you missed--

**ELAINE MENZEL:** Oh, no. Opponent. I'm sorry.

**ROUNTREE:** You missed out.

**ELAINE MENZEL:** Right. I did have opponent.

**BOSN:** OK, so tell me, are you a proponent or an opponent?

**ELAINE MENZEL:** I am an opponent. It's been a long day.

**BOSN:** That's OK. I understand.

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**ELAINE MENZEL:** Chair Bosn and members of the Judiciary Judiciary Committee, for the record, my name is Elaine Menzel. That's E-l-a-i-n-e M-e-n-z-e-l, appearing here today in opposition to LB488 on behalf of the Nebraska Association of County Officials. I do want to express appreciation to Senator Hallstrom for an invitation to have further conversations. I'm not sure whether we've been able to prior to-- generally, my executive director helps do that prior to, and I, I just have not had a conversation on this bill for purposes of that, to make a determination. I'm not going to repeat the prior testimony-- just to suggest the 2 things of messaging are the unfunded mandates and the workforce issues that we have concerns about. And we would be glad to work with Senator Hallstrom, if we can come to a resolution that's amicable to all of us.

**BOSN:** Thank you. Questions for this testifier? Seeing none, thank you for being here.

**ELAINE MENZEL:** Thank you.

**BOSN:** Next opponent. Anyone wishing to testify in the neutral capacity? And while Senator Hallstrom makes his way up for close, I will note for the record there were zero proponent comments submitted, 2 opponent, and no neutral comments submitted for the record. Welcome back.

**HALLSTROM:** Thank you. Just briefly in closing, I do appreciate the folks coming in today, and, and particularly, from Knox County, with the weather the way it is. But I think that there's a little bit of a misunderstanding in terms of the seriousness of some of these offenses and some of these situations that arise. Number one, they're not going to arise very often, but when they do, they are significant and they are important. When you look at the statute, they talk about a, a belief that the violation of a condition of probation has occurred or is about to occur. The Probation Office has indicated that in cases like that, there's, there's time to pause and reflect and contact law enforcement and make advanced plans, in many cases, particularly with regard to juveniles. It's my understanding that they do provide for transportation costs. I've indicated my willingness, and hopefully on behalf of the Probation Office as well, to look into doing things that will provide reimbursement. But on those occasions where somebody's life is at risk, whether it's may or shall, I would, I would expect that the law enforcement does respond in a timely fashion and that was-- is what would be required under those particular circumstances. I do appreciate the softer, kinder, gentler approach of the county officials and the Douglas County Sheriff's Office, in terms of saying

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they're, they're willing, even though they may not like my bill as introduced, they're willing to discuss possible revisions that will make the bill more palatable and workable, as opposed to coming in and suggesting that the bill be indefinitely postponed. But at any rate, I do appreciate and respect the fact that there is manpower-- there are manpower issues. And with that, I'd look forward to working with those folks and see if we can put something together that makes, makes sense. Be happy to address any questions. And I do appreciate the thoughtful questions of the committee members today, as well. Thank you.

**BOSN:** Questions? Thank you for being here. That will conclude LB488. Next, we will take up LB404. Same song, different verse. Just don't sing to us. I said that and I regretted it immediately. I'm so sorry.

**HALLSTROM:** Charlie Brown. Chairwoman Bosn, members of the Judiciary Committee, my name is Bob Hallstrom, B-o-b H-a-l-l-s-t-r-o-m. I'm representing Legislative District 1 as state senator here today to introduce LB 404, which would modify a portion of the Nebraska Probation Administration Act to allow for sentencing courts, upon a joint application of an individual on probation and a probation officer, to extend a term of probation established by the court at the time of sentencing, beyond its original expiration date. Historically, when an individual's probation term was nearing an end but there were outstanding conditions to complete, the probationer and the probation officer could approach the sentencing court with a joint request to extend the term of probation to allow for additional time for the probationer to complete the terms of their sentence without having to face a return to court on revocation proceedings. Additionally, if a probationer was already in violation status and involved in the court process regarding a motion to revoke, probation could continue working with the probationer and/or provide supervision, services, and financial assistance for things like mental health and substance use treatment while the court process played out. In November of 2023, the Nebraska Supreme Court ruled in State v. Simmons-- Simons, excuse me-- that when an originally imposed term of probation ended, it ended and any programming, services, or financial assistance being offered by the probation office must cease. The intent of this bill is to codify an avenue through which the probationer and the probation officer may continue to collaborate on needed rehabilitative services that will enable the probationer an opportunity to complete their probation successfully. A couple of things to note. This bill does not allow for a term of probation to be extended beyond statutory limits established in Nebraska Revised Statute 29-2263(1). These limits are set at up to 5 years for a felony or second-offense misdemeanor conviction, or 2

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years for a first-offense misdemeanor. Additionally, the joint application provision of the bill does not preclude the involvement of counsel in the development of the extension. Further, the sentencing court may also conduct a hearing to assist in determining the need for the extension. You may be familiar or it may seem familiar that we've had a similar issue earlier this year. LB24, introduced by Senator John Cavanaugh, is pending before this committee. And I had visited with him initially, when that bill was introduced, indicating that I had a bill of similar nature that would be heard by this committee. And I am certainly open to looking at the 2 bills to see if there's some melding that can be accomplished in that regard.

**BOSN:** Questions for Senator Hallstrom? Senator DeBoer, followed by Senator McKinney.

**DeBOER:** Thank you. So I was thinking about the bill we heard earlier. What did you say the number was?

**HALLSTROM:** LB24.

**DeBOER:** Thank you. And what are-- is the biggest difference-- I, I seem to recall that counsel was involved, and yours is maybe.

**HALLSTROM:** Yeah, I think there were 2 issues. One was his bill went on to address fees, and the second issue was the involvement of counsel, as I think a, a mandate or a requirement as opposed to permissive.

**DeBOER:** OK. Thank you for that.

**HALLSTROM:** Yeah. Thank you.

**BOSN:** Any other questions? Thank you.

**HALLSTROM:** Thank you.

**BOSN:** First proponent. Welcome back.

**GENE COTTER:** Thank you. Good afternoon, again Chairman-- Chairwoman Bosn and members of the Judiciary Committee. Once again, my name is Gene, G-e-n-e Cotter, C-o-t-t-e-r, and I am the Nebraska State Probation Administrator. I testify today as a proponent of LB404. I must begin by expressing my gratitude to Senator Hallstrom for introducing the bill. As he mentioned in his opening, recent case law has prompted a need for some adjustments in the Nebraska Probation Administration Act. Nebraska Revised Statute 29-2263 allows for a probationer and a probation officer to jointly request modification of

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an order of probation to add, subtract or modify conditions imposed by the court at the time of original sentencing. The ability for the officer and the probationer to collaborate on changes to the order during the term of supervision is an invaluable tool to all parties. This practice allows for real-time adjustments to the management plan of the case and ensures modification to rehabilitative efforts, needed programming, or adjustments to financial ex-- expectations to ensure continuity in success planning for the individual. Here's the issue. Probationers regularly find themselves in a situation where time starts to run short in-- on the term of probation. And because state law does not allow for the court to extend the length of the term imposed, if the probationer is unable to complete all of the conditions ordered, the probation officer must refer the case back to court on revocation proceedings. If the probationer is found in violation, the probation can be revoked and the individual can be sentenced to jail or prison, rather than completing their rehabilitative course. It is important to note that we are not talking about referrals here on new law violations. Rather, we're talking about technical violations, like failure to complete mental health treatment, substance abuse treatment, or other, other programmings. As it stands now, once the originally established probation date-- end date occurs, all probation services must stop. This means that unless the probationer continues to attend the programming on their own volition and on their own dime, everything else is put on hold. So, too, are many reporting center services, probation, facilitated programs and any financial assistance the probationer was receiving through our office. Any forward progress is likely halted. If LB404 were to pass, the probation term could be modified to accommodate the needs of the probationer, the probation officer, and allow for condition-- continuation of these badly needed services, case management, and enhanced community safety. Thank you for your time, again. And I would be happy to answer any questions.

**BOSN:** Thank you. Senator DeBoer.

**DeBOER:** Thank you. So have you had a chance to review LB24, as well?

**GENE COTTER:** I have not, but I wish that I had.

**DeBOER:** Fair enough. So to complete their probation, they have to pay their fees. Is that right?

**GENE COTTER:** That would be, that would be one of the things that they-- would be required of them. Yes.

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**DeBOER:** Yeah. So would this allow additional probation time so that they could pay their fees? I mean, is that one of the things you envision?

**GENE COTTER:** It certainly can. Yes. I mean, that is, that is one of the things where we occasionally get with the probationer. And just to answer kind of an earlier question maybe pertinent to LB24, and that is that one requires involvement of, of counsel. This one certainly provides for the provision of counsel. It doesn't-- if the, if the individual wanted to consult with their attorney, it certainly would be allowable. But yes, this could provide for the extension of the term of probation to allow the person the opportunity to finish paying, especially if that was the only outstanding condition that they had left.

**DeBOER:** OK. Thank you.

**BOSN:** Senator McKinney.

**McKINNEY:** Thank you. Is there a limit to these extensions?

**GENE COTTER:** I, I think, as Senator Hallstrom indicated in his opening, it would be limited by the maximum amount of time allowable per statute, so 5 years on a, on a felony offense or on a second-offense mis-- misdemeanor, or 2 years on a, on a misdemeanor offense. So yes, technically, you could extend that out to whenever the final expiration date of the, of the, the statute allowance.

**McKINNEY:** All right. Thank you.

**BOSN:** Because the goal here is that the probationer is seeking it because they want the successful completion. They want to be able to say they successfully completed probation rather than it was an unsuccessful or a revocation, based on not completing some requirement.

**GENE COTTER:** Absolutely. If we go back to Senator Dungan-- and I know Chair-- Chairwoman Bosn, you were, I think, probably in another hearing at the time. He talked about some of this stuff in the very first hearing of the day, the, the delays. You know, right now, if, if somebody has been using chemicals, for example, for 40 years of their life, to put them on a 2- or a 3-year probation and expect that they're going to be in a position by the end of that term to have completely turned things around, in a lot of cases can be something that-- things just come up during the case management. And so, these extensions are usual-- are regularly utilized when somebody maybe

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relapses after a couple of years of sobriety, to get them back on, on the right track, rather than referring them back to court on revocation proceedings, so that we can continue to provide programming and oversight and intervention and, and all of the positive things that keeps them out of jail and prison.

**BOSN:** Well-- and I'm thinking of like, you know, cases in my own experience, where individuals who are completing domestic violence programming, which is a 24-week program. And if you miss a certain number, even if you're making progress, if you miss that number, you're kicked out and you have to start over on a 35-week program. And so, I think it's significant that those individuals are trying. Right. And this allows them to say, can I extend the program requirements so that I can have that successful completion on my record, I guess, so to speak.

**GENE COTTER:** Absolutely.

**BOSN:** OK. Any other questions? Thank you for being here.

**GENE COTTER:** Thank you.

**BOSN:** Next proponent. Anyone wishing to testify in opposition to this bill? Neutral? And while Senator Hallstrom is making his way up, I will note, there was 1 proponent comment submitted, no opponent, and no neutral comments submitted.

**HALLSTROM:** Senator Bosn, Committee, thank you again for your patience and understanding here. I think this is a win-win situation, that we've got something that really--- is really helpful for those that are on probation, to avoid having to have their probation revoked and possibly sent, sent back to, to some type of incarceration. Again, I will work with the committee and Senator Cavanaugh, if there's things that we need to put together on this bill. And that's all I have.

**BOSN:** That concludes our hearing. Thank-- any questions? Sorry, I didn't see any hands go up. OK. Thank you, everyone. And that concludes our hearings for today.