

AMENDMENTS TO LB184

Introduced by Judiciary.

1 1. On page 4, strike lines 4 through 10 and insert the following new
2 subsection:

3 "(5)(a) Except as provided in subdivision (5)(b) of this section,
4 any admission, confession, or statement made by the accused to a
5 psychiatrist, psychologist, therapist, or licensed mental health
6 practitioner for purposes of a motion to transfer a case from county
7 court or district court to juvenile court shall be inadmissible in any
8 criminal or civil proceeding.

9 (b) Subdivision (5)(a) of this section does not prevent any such
10 admission, confession, or statement from being:

11 (i) Admissible in proceedings relating to such motion to transfer;

12 (ii) Admissible in disposition proceedings of such accused under the
13 Nebraska Juvenile Code if the case is transferred to juvenile court;

14 (iii) Included in any presentence investigation report for such
15 accused if the case is not transferred to juvenile court; and

16 (iv) Admissible in such case to impeach such accused during cross-
17 examination if the accused testifies at trial or during juvenile court
18 proceedings and such testimony is materially inconsistent with a prior
19 statement made by the accused to a psychiatrist, psychologist, therapist,
20 or licensed mental health practitioner for purposes of the motion to
21 transfer such case."

22 2. On page 7, strike lines 27 through 31 and insert the following
23 new subdivision:

24 "(d)(i) Except as provided in subdivision (5)(d)(ii) of this
25 section, any admission, confession, or statement made by the juvenile to
26 a psychiatrist, psychologist, therapist, or licensed mental health
27 practitioner for purposes of a motion to transfer a case from juvenile

1 court to county court or district court shall be inadmissible in any
2 criminal or civil proceeding.

3 (ii) Subdivision (5)(d)(i) of this section does not prevent any such
4 admission, confession, or statement from being:

5 (A) Admissible in proceedings relating to such motion to transfer;

6 (B) Admissible in disposition proceedings for such juvenile under
7 the Nebraska Juvenile Code if the case is not transferred to county court
8 or district court;

9 (C) Included in any presentence investigation report for such
10 juvenile if the case is transferred to county court or district court;
11 and

12 (D) Admissible in such case to impeach such juvenile during cross-
13 examination if the juvenile testifies at trial or during juvenile court
14 proceedings and such testimony is materially inconsistent with a prior
15 statement made by the juvenile to a psychiatrist, psychologist,
16 therapist, or licensed mental health practitioner for purposes of the
17 motion to transfer such case."

18 3. On page 8, strike lines 1 and 2.