

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 236

Introduced by Wayne, 13.

Read first time January 10, 2023

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to courts; to provide appointment and powers
2 of problem-solving court judicial officers; and to create a problem-
3 solving court pilot project.
4 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) The Supreme Court may appoint problem-solving court
2 judicial officers as needed to serve on a full-time or part-time basis in
3 all problem-solving courts and may assign such judicial officers to such
4 locations as the Supreme Court shall determine. A problem-solving court
5 judicial officer is entitled to receive a salary as established by the
6 Supreme Court.

7 (2) In accordance with the rules of the Supreme Court, a problem-
8 solving court judicial officer may:

9 (a) Preside in and hear any case or proceeding within a problem-
10 solving court program;

11 (b) Perform any act necessary and proper for the efficient
12 administration, operation, and performance of the problem-solving court,
13 except the imposition of custodial sanctions or the termination of a
14 participant from the problem-solving court program; and

15 (c) Make recommendations concerning custodial sanctions and the
16 termination of a participant from a problem-solving court program.

17 (3) To be qualified for appointment as a problem-solving court
18 judicial officer, a person shall be an attorney in good standing admitted
19 to the practice of law in the State of Nebraska for at least five years
20 and shall meet any other requirements imposed by the Supreme Court. A
21 problem-solving court judicial officer shall be sworn or affirmed to
22 faithfully hear and examine the cause and to make a just and true report
23 according to the best of the officer's understanding. The oath or
24 affirmation may be administered by any judge of the State of Nebraska. A
25 problem-solving court judicial officer may be removed at any time by the
26 Supreme Court.

27 (4) In all cases referred to a problem-solving court judicial
28 officer, the parties shall have the right to take exceptions to the
29 findings and recommendations made by the problem-solving court judicial
30 officer and to have a further hearing before the district court for final
31 disposition. The court upon receipt of the findings, recommendations, and

1 exceptions shall review the problem-solving court judicial officer's
2 report and may accept or reject all or any part of the report and enter
3 judgment based on the court's own determination.

4 (5) The Supreme Court shall promulgate rules for all other
5 qualifications of problem-solving court judicial officers; for the extent
6 of authority which may be assigned and the procedure for assignment of
7 authority to a problem-solving court judicial officer; for practice and
8 procedure before such problem-solving court judicial officers; and for
9 the training of problem-solving court judicial officers, including rules
10 for training sessions and continuing education requirements.

11 (6) A problem-solving court judicial officer has the same judicial
12 immunity as a judge of the district court.

13 Sec. 2. (1) On or before January 1, 2024, the Supreme Court shall
14 create a pilot project utilizing one or more problem-solving court
15 judicial officers as provided in section 1 of this act to oversee
16 problem-solving courts selected by the Supreme Court.

17 (2) The purpose of the pilot project is to determine if such
18 officers can effectively provide additional judicial resources for
19 problem-solving courts.

20 (3) The Supreme Court shall determine the locations of the pilot
21 project sites. Such sites may be in multiple judicial districts.

22 (4) The pilot project may include operating existing problem-solving
23 courts, expanding existing problem-solving courts into new locations or
24 into other types of problem-solving courts, and the establishment of new
25 problem-solving courts.

26 (5) Each judicial district in which the pilot project operates shall
27 collect data as prescribed by the State Court Administrator to determine
28 the effectiveness of the pilot project.

29 (6) Each problem-solving court operated as a pilot project shall
30 adhere to the existing rules and best practice standards applicable to
31 the problem-solving court adopted by the Supreme Court and any additional

1 rules the Supreme Court may promulgate to implement the pilot project.

2 (7) The pilot project shall terminate on or before December 31,

3 2028.