

LEGISLATIVE BILL 57

Approved by the Governor February 24, 1973

Introduced by Judiciary Committee, Luedtke, 28, Chmn.

AN ACT to amend section 83-176, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Treatment and Corrections Act; to provide for a juvenile court hearing; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 83-176, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-176. (1) Whenever any person is sentenced or committed under any provision of law to a specific facility within the Division of Corrections or to the custody of the warden or superintendent of such facility, he shall be deemed to be sentenced or committed to the division.

(2) The Director of Corrections may designate as a place of confinement of a person committed to the division any available, suitable and appropriate residence facility or institution, whether or not operated by the state, and may at any time transfer such person from one place of confinement to another subject to the following:

(a) A minor declared neglected, dependent, or in need of special supervision pursuant to the provisions of Chapter 43, article 2, shall not be assigned or transferred to the Nebraska Penal and Correctional Complex, the State Reformatory for Women, or any other facility designed primarily for the imprisonment of adult offenders.

(b) A minor declared delinquent pursuant to the provisions of Chapter 43, article 2, shall not be assigned or transferred to the Nebraska Penal and Correctional Complex, the State Reformatory for Women or any other facility designed primarily for the imprisonment of adult offenders, unless he is sixteen years of age, or older, and he is a serious threat to the safety of persons in other facilities. The determination as to whether the minor is a serious threat to safety shall be made only after juvenile court hearing in the court of original disposition, at which the minor shall

have the right to be represented by counsel.

Sec. 2. That original section 83-176, Reissue Revised Statutes of Nebraska, 1943, is repealed.