



**Hundredth Legislature - First Session - 2007**  
**Committee Statement**  
**LB 335**

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**Hearing Date:** January 25, 2007  
**Committee On:** Judiciary

**Introducer(s):** (Kruse)  
**Title:** Change provisions relating to civil protective custody

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**Roll Call Vote – Final Committee Action:**

- Advanced to General File
  - X Advanced to General File with Amendments
  - Indefinitely Postponed
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**Vote Results:**

7	Yes	Sen. Ashford, Sen. Lathrop, Sen. McDonald, Sen. McGill, Sen. Pedersen, Sen. Pirsch, Sen. Schimek
1	No	Sen. Chambers
	Present, not voting	
	Absent	

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**Proponents:**

Sen. Kruse  
Dr. Derrick Anderson  
James Baird  
Tom Casady  
Toni Arntzen  
Judy Zohner  
Mike Floyd

**Representing:**

Cornhusker Place  
City of Lincoln  
Citizen  
Citizen  
Manager of Cornhusker Place

**Opponents:**

Joe Kohout

**Representing:**

Ne. Fraternal Order of Police

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

Legislative Bill 335 proposes to amend statutes relating to civil protective custody of persons under the influence of alcohol and drugs to update terminology and to provide an exception to the twenty four hour limit for persons who have been taken into civil protective custody three or more times in the previous six months.

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Currently, law enforcement officers are authorized to take persons who are intoxicated and a danger to themselves or others into civil protective custody for up to twenty four hours if necessary to protect the life of or prevent injury to the intoxicated individual and other placement options are unavailable.

LB 335 amends section 53-1,121 to allow civil protective custody to be utilized for up to 72 hours for persons who have been placed in civil protective custody three or more times in the previous six month period. The bill also updates the terminology in the existing statute by replacing the term intoxicated with the phrase “under the influence of alcohol or drugs” and changing alcoholism center to substance abuse center.

**Explanation of amendments, if any:**

The committee amendment to LB 335 makes the following changes to the bill as introduced:

1. Limits the use of 72 hour civil protective custody to those counties in which the county board has adopted a resolution certifying that suitable facilities exist within the county for the care and treatment of persons suffering from chronic alcohol or substance abuse. The resolution must also specify the facility or facilities to be used for 72 hour civil protective custody and the number of patients which can be served at any one time.
2. Restricts the use of 72 hour civil protective custody to those persons who have been placed in civil protective custody three times in the previous month rather the previous 6 months as provided in the green copy of the bill.
3. Strikes the word “illegal” on page 2 line 23 in order to be consistent with the usage on page 2, line 6 and because the bill is intended to apply to persons with addictions to both legal and illegal substances.

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**Senator Brad Ashford, Chairperson**