

ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017
COMMITTEE STATEMENT
LB243

Hearing Date: Thursday February 16, 2017
Committee On: Judiciary
Introducer: Bolz
One Liner: Require reporting of certain information concerning assaults that occur in state institutions

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	6	Senators Ebke, Halloran, Hansen, Krist, Pansing Brooks, Morfeld
Nay:	2	Senators Baker, Chambers
Absent:		
Present Not Voting:		

Verbal Testimony:

Proponents:

Senator Kate Bolz
Mike Marvin
Farid Karimi
Mary Gallagher
Carrie Patnode

Representing:

Introducer
NAPE/AFSCME 61
Lincoln Regional Center
self
self

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 243 would set forth reporting requirements for administrators of state institutions when assaults occur within the institution.

Subsection (1)- Defines "secure state institution" to include any facility operated by the Nebraska Department of Corrections used to house inmates; the Lincoln, Norfolk, and Hastings Regional Centers; and the Kearney and Geneva Youth Rehabilitation and Treatment Centers.

Subsection (2)- Sets forth duties of institutional administrators to: inform the victim of all disciplinary actions taken against the alleged offender, and the results of such action; inform the county attorney of the assault. The county attorney shall inform the victim of any decision to prosecute or not to prosecute the assault. If the victim is an employee of the institution, the information from the county attorney shall also be communicated to the victim's labor union unless otherwise requested by the victim.

Nothing in this bill precludes the victim from self-reporting the assault to prosecuting authorities.

Explanation of amendments:

The amendment changes Subsection 2 of LB 243 to clarify the statute applies only to any employee of a secure state facility.

Requires a DHHS to provide quarterly reports to the Governor, Clerk of the Legislature and chairs of the Judiciary Committee and Health and Human Services committee. These reports will contain:

- Total number of assaults that occurred at each state institution.
- Number of assaults between patients/residents.
- Number of assaults between patients/residents and employees.
- Number of assaults that occurred based on category of severity including if they resulted in serious injury/non-serious injury/no injury.
- The reason the department was housing the person alleged to have committed the assault.

Laura Ebke, Chairperson