

AM2301
LB 501
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AMENDMENTS TO LB 501

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Section 53-1,121, Reissue Revised Statutes
4 of Nebraska, is amended to read:

5 53-1,121. (1) City police, county sheriffs, officers of
6 the Nebraska State Patrol, and any other such law enforcement
7 officer with power to arrest for traffic violations may take a
8 person who is intoxicated and in the judgment of the officer
9 dangerous to himself, herself, or others, or who is otherwise
10 incapacitated, from any public or quasi-public property. An
11 officer removing an intoxicated person from public or quasi-public
12 property shall make a reasonable effort to take such intoxicated
13 person to his or her home or to place such person in any hospital,
14 clinic, alcoholism center, or with a medical doctor as may be
15 necessary to preserve life or to prevent injury. Such effort at
16 placement shall be deemed reasonable if the officer contacts those
17 facilities or doctors which have previously represented a
18 willingness to accept and treat such ~~individuals~~ persons and which
19 regularly do accept such ~~individuals~~ persons. If such efforts are
20 unsuccessful or are not feasible, the officer may then place such
21 intoxicated person in civil protective custody. Civil ~~7~~ ~~except~~
22 ~~that civil~~ protective custody shall be used only as long as is
23 necessary to preserve life or to prevent injury~~7~~ and ~~under no~~
24 ~~circumstances~~ for no longer than twenty-four hours, except that a

1 person who has been placed in civil protective custody three or
2 more times in the previous six months may be placed in civil
3 protective custody for up to seventy-two hours.

4 (2) The placement of such person in civil protective
5 custody shall be recorded at the facility or jail to which he or
6 she is delivered and communicated to his or her family or next of
7 kin, if they can be located, or to such person designated by the
8 person taken into civil protective custody.

9 (3) The law enforcement officer who acts in compliance
10 with this section shall be deemed to be acting in the course of his
11 or her official duty and shall not be criminally or civilly liable
12 for such actions.

13 (4) The taking of ~~an individual~~ a person into civil
14 protective custody under this section shall not be considered an
15 arrest. No entry or other record shall be made to indicate that
16 the person has been arrested or charged with a crime.

17 (5) For purposes of this section:

18 (a) Public ~~public~~ property ~~shall mean~~ means any public
19 right-of-way, street, highway, alley, park, or other state, county,
20 or municipally owned property; ~~and~~

21 (b) Quasi-public ~~(6) For the purposes of this section,~~
22 ~~quasi-public~~ property ~~shall mean and include~~ means and includes
23 private or publicly owned property utilized for proprietary or
24 business uses which invites patronage by the public or which
25 invites public ingress and egress.

26 Sec. 2. Section 83-1020, Reissue Revised Statutes of
27 Nebraska, is amended to read:

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1 83-1020. (1) Whenever any peace officer believes that
2 any individual is a mentally ill dangerous person and that the harm
3 described by section 83-1009 is likely to occur before mental
4 health board proceedings under the Nebraska Mental Health
5 Commitment Act may be invoked to obtain custody of the individual,
6 such peace officer may immediately take such individual into
7 custody, cause him or her to be taken into custody, or continue his
8 or her custody if he or she is already in custody. Such individual
9 shall be placed in a mental health center, state hospital,
10 substance abuse treatment center, or other government or private
11 hospital with the capacity and capability of detaining mentally ill
12 dangerous persons. A physician or psychologist shall have a
13 limited privilege to hold an individual until a peace officer
14 arrives if such physician or psychologist has probable cause to
15 believe such individual is a mentally ill dangerous person. ~~When a~~
16 ~~mental health center, a state hospital, or other government or~~
17 ~~private hospital has the capability to detain such an individual in~~
18 ~~the county in which the individual is found, the individual shall~~
19 ~~be placed in such facility.~~

20 (2) All counties shall contract with medical facilities
21 inside or outside the county to provide a place where individuals
22 subject to subsection (1) of this section shall be held. Such
23 individuals in such counties shall not be placed in a jail.

24 Sec. 3. Original sections 53-1,121 and 83-1020, Reissue
25 Revised Statutes of Nebraska, are repealed."