

ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE RESOLUTION 168

Introduced by Flood, 19; Stuthman, 22;

PURPOSE: To study several issues relating to Nebraska's emergency protective custody (EPC) procedures.

Law enforcement across the state is expending considerable resources in connection with (1) securing placements for individuals who are detained pursuant to Nebraska's EPC procedures and (2) transporting such individuals to such placements. Deputies who would otherwise be patrolling their jurisdictions are frequently called upon to transport EPC individuals to facilities outside their jurisdictions. Oftentimes, these officers find themselves transporting the same individuals to facilities within their jurisdiction a short time later, when free beds in local facilities come open.

As Nebraska continues implementing its long-term plans for mental health reform, with a focus on increasing community-based services, law enforcement will continue to face these difficulties. In an effort to enhance public safety while maximizing tax dollars, this study will include, but not be limited to, an examination of the following:

(1) The availability of beds for individuals detained pursuant to the EPC statutes;

(2) The feasibility of a statewide, toll-free telephone

hotline for law enforcement officers to use in order to locate facilities that are accepting individuals in EPC; and

(3) The feasibility of delaying the return of an EPC individual to the originating jurisdiction from an out-of-jurisdiction placement until the time necessary for the individual to consult with legal counsel and attend the mental health board hearing, unless otherwise practicable for law enforcement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.