



One Hundred First Legislature - Second Session - 2010  
**Introducer's Statement of Intent**  
**LB 771**

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**Chairperson:** Brad Ashford  
**Committee:** Judiciary  
**Date of Hearing:** February 5, 2010

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Sections 3-9 of LB 771 incorporate the provisions of LB 38, which was introduced by Sen. Mike Flood last session. These sections would amend the statutes regarding crimes and offenses against peace officers, probation officers, and employees of the Department of Correctional Services by including Department of Health and Human Services (DHHS) staff who work in a Regional Center facility or a Youth Rehabilitation and Treatment Center (YRTC). The bill would thus establish parity for the staff in the 24-hour facilities operated by DHHS with those employees holding similar job classifications, duties, and functions within the Department of Correctional Services. LB 771 would also reestablish the protections that were provided to YRTC staff prior to the YRTC's merger into DHHS in 1997. Like LB 38, LB 771 would also allow for the filing of felony charges against persons who commit certain assault or other offenses (1) while legally confined in a Regional Center facility or YRTC, or (2) while committed as a mentally ill dangerous person or dangerous sex offender under the Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act.

In addition to the provisions of LB 38, LB 771 would add references to Class IC and Class ID felonies to the attempted crimes statute, Neb. Rev. Stat. § 28-201. Currently § 28-201 does not mention IC or ID felonies. Thus, a ID felony like first degree assault on an officer (§ 28-929) does not have a corresponding penalty for attempt.

Finally, LB 771 includes technical corrections suggested by the office of the Nebraska Revisor of Statutes.

**Principal Introducer:** \_\_\_\_\_  
**Senator Mike Flood**