

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 233

Introduced by Wayne, 13.

Read first time January 14, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to treatment and corrections; to amend section
2 28-913, Reissue Revised Statutes of Nebraska; to prohibit
3 introduction of mobile or cellular telephones into a detention
4 facility; to define terms; to provide for approval of mobile or
5 cellular telephones by the Director of Correctional Services as
6 prescribed; and to repeal the original section.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-913, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-913 (1) A person commits an offense if he or she unlawfully
4 introduces within a detention facility, or unlawfully provides an inmate
5 with, any weapon, tool, mobile or cellular telephone, or other thing
6 which may be useful for escape. An inmate commits an offense if he or she
7 unlawfully procures, makes, or otherwise provides himself or herself
8 with, or has in his or her possession, any such item or implement of
9 escape.

10 (2) For purposes of this section:

11 (a) Detention facility means a jail, prison, penitentiary, house of
12 correction, or other place of penal detention, whether operated by the
13 state or a political subdivision of the state; and

14 (b) Unlawfully means surreptitiously or contrary to law, regulation,
15 or order of the detaining authority.

16 (3) A violation of this section ~~(2) Introducing escape implements is~~
17 a Class I misdemeanor.

18 Sec. 2. The Department of Correctional Services shall not allow a
19 visitor, an employee of the department, or any other person to bring a
20 mobile or cellular telephone into a detention facility operated by the
21 department unless approved by the Director of Correctional Services. The
22 director shall only approve the possession or use of mobile or cellular
23 telephones within a detention facility by law enforcement officials or
24 first responders who respond to incidents that take place within a
25 detention facility. The department may confiscate a mobile or cellular
26 telephone brought into a detention facility in violation of this section.
27 The confiscated item may be turned over to the Nebraska State Patrol to
28 be analyzed and searched for any evidence of a crime.

29 Sec. 3. Original section 28-913, Reissue Revised Statutes of
30 Nebraska, is repealed.