

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 333

Introduced by Wayne, 13.

Read first time January 13, 2021

Committee: Judiciary

1 A BILL FOR AN ACT relating to treatment and corrections; to amend
2 sections 28-936 and 83-1,135, Revised Statutes Cumulative
3 Supplement, 2020; to change provisions relating to possession of
4 electronic communication devices in Department of Correctional
5 Services facilities; to authorize possession of such devices by
6 certain officials and attorneys as prescribed; to define a term; to
7 harmonize provisions; and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-936, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 28-936 (1) A person commits an offense if he or she intentionally
4 introduces within a facility, or intentionally provides an inmate of a
5 facility with, any electronic communication device. An inmate commits an
6 offense if he or she intentionally procures, makes, or otherwise provides
7 himself or herself with, or has in his or her possession, any electronic
8 communication device.

9 (2) This section does not apply to:

10 (a) An attorney or an attorney's agent visiting an inmate who is a
11 client of such attorney;

12 (b) The Public Counsel or any employee of his or her office;

13 (c) A peace officer acting under his or her authority;

14 (d) An emergency responder or a firefighter responding to emergency
15 incidents within a facility; ~~or~~

16 (e) A member of the Legislature; or

17 (f) ~~(e)~~ Any person acting with the permission of the Director of
18 Correctional Services or in accordance with rules, regulations, or
19 policies of the Department of Correctional Services.

20 (3) For purposes of this section:

21 (a) Facility has the same meaning as in section 83-170; and

22 (b) Electronic communication device means any device which, in its
23 ordinary and intended use, transmits by electronic means writings,
24 sounds, visual images, or data of any nature to another electronic
25 communication device. Electronic communication device does not include
26 any device provided to an inmate by the Department of Correctional
27 Services.

28 (4) A violation of this section is a Class I misdemeanor.

29 (5) An electronic communication device involved in a violation of
30 this section shall be subject to seizure by the Department of
31 Correctional Services or a peace officer, and disposition may be made in

1 accordance with the method of disposition directed for contraband in
2 sections 29-818 and 29-820.

3 Sec. 2. (1) The following persons shall be allowed to bring
4 electronic communication devices into a facility without preapproval from
5 the director:

6 (a) A member of the Legislature;

7 (b) The Public Counsel or any employee of the Public Counsel; and

8 (c) An attorney or an attorney's agent visiting a committed offender
9 who is a client of such attorney.

10 (2) For purposes of this section, electronic communication device
11 means any device which, in its ordinary and intended use, transmits by
12 electronic means writings, sounds, visual images, or data of any nature
13 to another electronic communication device.

14 Sec. 3. Section 83-1,135, Revised Statutes Cumulative Supplement,
15 2020, is amended to read:

16 83-1,135 Sections 83-170 to 83-1,135.05 and section 2 of this act
17 shall be known and may be cited as the Nebraska Treatment and Corrections
18 Act.

19 Sec. 4. Original sections 28-936 and 83-1,135, Revised Statutes
20 Cumulative Supplement, 2020, are repealed.