

ONE HUNDRED SEVENTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 156

Introduced by Pansing Brooks, 28.

PURPOSE: The purpose of this interim study is to examine mental health and addiction issues within the Nebraska criminal justice system and alternative policy options and solutions.

Like other states, Nebraska's jails and prisons are often required to accommodate detainees or prisoners who struggle with mental illness. A disproportionate number of individuals in Nebraska's jails and prisons have a history of mental illness, and some estimate that approximately fifty-six percent of state prisoners have at least one mental health diagnosis. The number of prisoners who have alcohol or drug problems is also disproportionate. As a consequence, much of the responsibility for responding to people who are in distress due to mental health is on our law enforcement agencies.

Policymakers support reducing the use of our jails and prisons for people who struggle with mental illness, including addiction, when such individuals could instead be receiving community treatment. Additional efforts should also be made to minimize the frequency of negative interaction between law enforcement and individuals in mental health crisis during police encounters. Public health problems, like untreated mental illness and addiction, should be met with a public health response and not a criminal justice response. Investment in mental health services costs less than building prisons and has more effective and safer outcomes for vulnerable Nebraskans and front line law enforcement officers and is proven to advance our shared public safety goals. There are successful innovations in this area in Nebraska and in other states that we can learn from and implement with new funding sources.

Some jurisdictions across the country have invested in community-based mobile crisis intervention services in which mental health professionals or

other providers of behavioral health services are deployed in real time to the location of the person in crisis in order to achieve the needed and best outcomes for that individual. These mobile crisis teams are intended to be dispatched as an alternative to law enforcement.

The federal American Rescue Plan Act of 2021, a federal relief package that became law on March 11, 2021, contains a number of provisions designed to increase coverage, expand benefits, and adjust federal financing for state medicaid programs. The American Rescue Plan Act of 2021 includes a provision to expand mental health services in states and communities by providing for mobile crisis intervention and community mental health funding. These services are to be covered by medicaid and provided by a multidisciplinary team to enrollees experiencing a mental health or substance use disorder crisis outside a hospital or other facility setting. This new option is available to states for five years, beginning April 1, 2022.

This study shall include, but not be limited to:

(1) An examination of whether Nebraska can pursue the new option under the American Rescue Plan Act of 2021 to provide community-based mobile crisis intervention services with federal funds;

(2) An examination of how the state can provide assistance in supporting measures to improve mental health care in our communities;

(3) Consideration of any statutory changes necessary to enhance community mental health treatment and addiction services instead of meeting these public health challenges with a criminal response; and

(4) Receiving input from the public and impacted individuals regarding the subject matters of this resolution.

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

1. That the Judiciary 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.