

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 788

Introduced by Wayne, 13.

Read first time January 18, 2023

Committee: Judiciary

1 A BILL FOR AN ACT relating to treatment and corrections; to amend section
2 47-918, Reissue Revised Statutes of Nebraska; to require a report by
3 the Inspector General of the Nebraska Correctional System; to
4 designate the Nebraska State Patrol as the agency to investigate
5 criminal activity within correctional facilities operated by the
6 Department of Correctional Services as prescribed; to provide powers
7 and duties for the patrol; to provide for confidentiality of certain
8 records; to harmonize provisions; to provide an operative date; and
9 to repeal the original section.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 47-918, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 47-918 On or before September 15 of each year, the Inspector General
4 shall provide to each member of the Judiciary Committee of the
5 Legislature, the Governor, and the Clerk of the Legislature a summary of
6 reports and investigations made under the Office of Inspector General of
7 the Nebraska Correctional System Act for the preceding year and a summary
8 of all reports received under section 2 of this act during the preceding
9 year. The summaries ~~summary~~ provided to the Clerk of the Legislature
10 shall be provided electronically. The summaries shall include
11 recommendations and an update on the status of recommendations made in
12 prior summaries, if any. The recommendations may address issues
13 discovered through investigations, audits, inspections, and reviews by
14 the office that will (1) increase accountability and legislative
15 oversight of the Nebraska correctional system, (2) improve operations of
16 the department and the Nebraska correctional system, (3) deter and
17 identify fraud, abuse, and illegal acts, and (4) identify inconsistencies
18 between statutory requirements and requirements for accreditation. The
19 summaries shall not contain any confidential or identifying information
20 concerning the subjects of the reports and investigations.

21 Sec. 2. (1) The Nebraska State Patrol is authorized to conduct
22 investigations of any criminal activity that takes place within any
23 correctional facility operated by the Department of Correctional
24 Services.

25 (2) On the operative date of this act, the patrol shall employ and
26 have oversight over any investigators employed by the department.

27 (3) When the positions of any investigators employed by the
28 department are transferred to the patrol, all funds used by the
29 department for the administration of and salaries for such investigators
30 shall be transferred to the patrol.

31 (4) The patrol shall provide information regarding any

1 investigations conducted pursuant to this section of criminal activity
2 occurring within department facilities to the Inspector General of the
3 Nebraska Correctional System. Any investigation or law enforcement
4 reports provided to the Inspector General pursuant to this section are
5 not public records for purposes of sections 84-712 to 84-712.09 and shall
6 not be subject to discovery by any other person or entity. The Inspector
7 General may share any such investigation or reports with the Public
8 Counsel and employees of the Public Counsel. Except to the extent that
9 disclosure of information is otherwise provided for in the Office of
10 Inspector General of the Nebraska Correctional System Act, the Inspector
11 General, Public Counsel, and their employees shall maintain the
12 confidentiality of any investigation or law enforcement reports received
13 pursuant to this section.

14 Sec. 3. This act becomes operative on January 1, 2024.

15 Sec. 4. Original section 47-918, Reissue Revised Statutes of
16 Nebraska, is repealed.