

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 816

FINAL READING

Introduced by Storer, 43; Hallstrom, 1; Lonowski, 33; Sanders, 45;
Wordekemper, 15.

Read first time January 07, 2026

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to public safety; to amend sections 71-919 and
- 2 71-1203, Revised Statutes Supplement, 2025; to provide a privilege
- 3 for peer support services communications; to define terms; to
- 4 provide for immunity; to change provisions relating to persons taken
- 5 into emergency protective custody; to harmonize provisions; to
- 6 provide operative dates; to repeal the original sections; and to
- 7 declare an emergency.
- 8 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** (1) The Legislature finds that it is common for public
2 safety personnel to experience stress and emotional difficulties as a
3 result of traumatic events and common job stressors experienced on a
4 regular basis. Peer support can be beneficial to public safety personnel
5 and can reduce the likelihood that such individuals will experience long-
6 term effects that may have a negative impact on their well-being.

7 (2) The Legislature further finds that confidentiality is a
8 necessary foundation of effective peer support. The privileged and
9 confidential nature of a peer support session ensures confidentiality and
10 encourages an individual to speak openly to a peer without fear that a
11 communication could be used against the individual in a disciplinary or
12 other hearing.

13 **Sec. 2.** For purposes of sections 1 to 4 of this act:

14 (1) Communication means any verbal, written, or electronic
15 communication;

16 (2) Critical incident means an actual or perceived event or
17 situation that involves a crisis, disaster, trauma, or emergency;

18 (3) Emergency care provider has the same meaning as in section
19 38-1206.04;

20 (4) Fire fighter means:

21 (a) An officer, employee, or member of a fire department or fire-
22 protection or firefighting agency of the state, a municipality, a rural
23 or suburban fire protection district, or any other political subdivision,
24 regardless of whether such person is a volunteer or paid;

25 (b) An officer, employee, or member of a fire service providing fire
26 protection to federal or state military installations; or

27 (c) The State Fire Marshal or a deputy state fire marshal;

28 (5) Hospital personnel means employees or contractors of a hospital
29 who provide direct patient care or emergency services, and includes
30 physicians, nurses, emergency department staff, and trauma center
31 personnel;

1 (6) Law enforcement agency means:

2 (a) A law enforcement agency as defined in section 81-1401; or

3 (b) A tribal police department;

4 (7) Law enforcement officer means:

5 (a) A law enforcement officer as defined in section 81-1401; or

6 (b) A member of a tribal police department or federal law
7 enforcement officer duly authorized to assert law enforcement powers by a
8 tribe in the State of Nebraska;

9 (8) Law enforcement support personnel means an employee of a
10 governmental entity who, by virtue of the person's job duties, provides
11 support to law enforcement officers, and includes dispatchers, public
12 safety telecommunicators, crime scene and crime laboratory technicians,
13 criminal analysts, professional staff, and intelligence analysts;

14 (9)(a) Peer support services means any services provided by a peer
15 support team member that offer emotional or moral support to any public
16 safety personnel regarding a critical incident; professional, personal,
17 or social problem; or difficult life event.

18 (b) Peer support services includes services described in subdivision
19 (9)(a) of this section regardless of:

20 (i) How the peer support team member is contacted;

21 (ii) Whether the services are conducted in a group or private
22 setting;

23 (iii) Where the services are requested or conducted; or

24 (iv) Whether the services are conducted in person or using
25 electronic communication;

26 (10) Peer support team means a group of peer support team members
27 serving one or more public safety agencies;

28 (11)(a) Peer support team member means an individual who:

29 (i) Has successfully completed at least twenty-four hours of peer
30 support training; and

31 (ii) Is officially designated by a public safety agency's head or

1 such head's designee to be a member of such agency's peer support team.

2 (b) A peer support team member need not be an employee of a public
3 safety agency or affiliated with a public safety agency and may include a
4 person acting in a volunteer or professional capacity;

5 (12) Peer support trainer means a subject matter expert in teaching
6 peer support for public safety personnel as evidenced by experience or
7 cultural competence or by holding appropriate certification or mental
8 health credentials;

9 (13) Peer support training means training which focuses on the needs
10 of public safety personnel and that is taught by a peer support trainer
11 who has been approved by the trainee's public safety agency;

12 (14) Personal representative has the same meaning as in section
13 30-3502;

14 (15) Proceeding means any civil, criminal, administrative,
15 arbitration, or disciplinary proceeding;

16 (16) Public safety agency means:

17 (a) A law enforcement agency;

18 (b) A fire protection or emergency medical services agency;

19 (c) A hospital; or

20 (d) Any other agency or entity, including a nonprofit organization,
21 that employs, represents, or serves public safety personnel; and

22 (17) Public safety personnel means a law enforcement officer, a
23 correctional officer, a jail officer, a juvenile detention officer, a
24 firefighter, an emergency care provider, law enforcement support
25 personnel, hospital personnel, or ambulance service provider personnel.

26 **Sec. 3.** A public safety agency may establish a peer support team.
27 If a public safety agency does so, the agency shall develop written
28 guidelines for the peer support team and its members.

29 **Sec. 4.** (1) Except as otherwise provided in this section, the
30 following are privileged and confidential:

31 (a) Any communication occurring during a peer support services

1 meeting between a peer support team member and a recipient of peer
2 support services;

3 (b) Any communication relating to peer support services that is made
4 between peer support team members or between peer support team members
5 and the supervisors or clinical supervisors of a peer support team; and

6 (c) Any records detailing or arising out of interactions described
7 in subdivision (1)(a) or (b) of this section.

8 (2) Except as otherwise provided in this section, communications and
9 records that are privileged and confidential under subsection (1) of this
10 section:

11 (a) Are not public records;

12 (b) Are not subject to discovery; and

13 (c) Shall not be admissible in evidence in any proceeding.

14 (3) A peer support team member may disclose communications or
15 records described in subsection (1) of this section:

16 (a) With the written consent of the recipient of the peer support
17 services at issue;

18 (b) If the recipient of the peer support services at issue is
19 deceased, with the written consent of the recipient's surviving spouse or
20 personal representative;

21 (c) If there are articulable facts or circumstances that would lead
22 a reasonable, prudent person to fear for the safety of the peer support
23 services recipient, another individual, or society, and the peer support
24 team member communicates the information only to the potential victims,
25 appropriate family members, law enforcement, and other appropriate
26 authorities; or

27 (d) When the peer support team member is a defendant or respondent
28 in a proceeding arising from a complaint, accusation, or allegation filed
29 by the recipient of peer support services, in which case such
30 communications or records may be divulged but only to the extent
31 necessitated by such proceeding.

1 (4) The privilege and confidentiality provided for in this section
2 shall not apply to communications or records that a peer support member
3 is required to disclose because such communication or record:

4 (a) Indicates child abuse or neglect that must be reported under
5 section 28-711;

6 (b) Indicates abuse, neglect, or exploitation of a vulnerable adult
7 that must be reported under section 28-372; or

8 (c) Causes the peer support team member to believe that the
9 recipient of peer support services has committed a criminal act.

10 (5) A peer support team member shall not be liable in any proceeding
11 for making a disclosure under subdivision (3)(c) or subsection (4) of
12 this section.

13 (6) A recipient of peer support services shall not be examined in
14 any proceeding regarding communications or records described in
15 subsection (1) of this section without his or her consent.

16 (7) This section does not prohibit any communications between peer
17 support team members or any communications between peer support team
18 members and the supervisors or staff of a peer support program.

19 (8) This section does not limit the disclosure, discovery, or
20 admissibility of information, testimony, or evidence that is:

21 (a) Obtained by a peer support team member from a source other than
22 a peer support services communication; or

23 (b) Acquired by any law enforcement personnel or emergency services
24 personnel during the course of employment and that is otherwise subject
25 to discovery or introduction into evidence.

26 **Sec. 5.** Section 71-919, Revised Statutes Supplement, 2025, is
27 amended to read:

28 71-919 (1)(a) A law enforcement officer may take a person into
29 emergency protective custody, cause him or her to be taken into emergency
30 protective custody, or continue his or her custody if he or she is
31 already in custody if the officer has probable cause to believe:

1 (i) Such person is mentally ill and dangerous or a dangerous sex
2 offender and that the harm described in section 71-908 or subdivision (1)
3 of section 83-174.01 is likely to occur before mental health board
4 proceedings under the Nebraska Mental Health Commitment Act or the Sex
5 Offender Commitment Act may be initiated to obtain custody of the person;
6 or

7 (ii) For a person domiciled within Indian country in Nebraska, that
8 such person is mentally ill and dangerous or a dangerous sex offender
9 under tribal law and that harm comparable to that described in section
10 71-908 or subdivision (1) of section 83-174.01 or the equivalent under
11 tribal law is likely to occur before mental health proceedings under
12 tribal law may be initiated to obtain custody of the person.

13 (b) Such person shall be admitted to an appropriate and available
14 medical facility, jail, or Department of Correctional Services facility
15 as provided in subsection (2) of this section.

16 (c)(i) Except as provided in subdivision (1)(c)(ii) of this section,
17 each county shall make arrangements with appropriate facilities inside or
18 outside the county for such purpose and shall pay the cost of the
19 emergency protective custody of persons from such county in such
20 facilities.

21 (ii) For a subject domiciled within Indian country in Nebraska for
22 whom emergency protective custody is initiated under tribal law, the
23 tribe shall make arrangements with appropriate facilities inside or
24 outside the tribe for such purpose and shall make arrangements for
25 payment of the cost of the emergency protective custody of persons from
26 such tribe in such facilities.

27 (d) A mental health professional who has probable cause to believe
28 that a person is mentally ill and dangerous or a dangerous sex offender
29 may cause such person to be taken into custody and shall have a limited
30 privilege to hold such person until a law enforcement officer or other
31 authorized person arrives to take custody of such person.

1 (2)(a) For purposes of this subsection, convicted sex offender means
2 a person with a prior conviction for an offense listed in section
3 29-4003.

4 (b) A person taken into emergency protective custody under this
5 section who is not a convicted sex offender shall be admitted to an
6 appropriate and available medical facility, except that such person may
7 instead be admitted to a jail or other facility with an available mental
8 health bed under the Regional Mental Health Expansion Pilot Program Act
9 until an appropriate medical facility is available.

10 (c) A person taken into emergency protective custody under this
11 section who is ~~not~~ a convicted sex offender shall be admitted to a jail
12 or Department of Correctional Services facility unless a medical or
13 psychiatric emergency exists for which treatment at a medical facility is
14 required. The person in emergency protective custody shall remain at the
15 medical facility until the medical or psychiatric emergency has passed
16 and it is safe to transport such person, at which time the person shall
17 be transferred to an available jail or Department of Correctional
18 Services facility.

19 (3)(a) Except as provided in subdivision (3)(b) of this section,
20 upon admission to a facility or jail of a person taken into emergency
21 protective custody by a law enforcement officer under this section, such
22 officer shall execute a written certificate prescribed and provided by
23 the Department of Health and Human Services. The certificate shall allege
24 the officer's belief that the person in custody is mentally ill and
25 dangerous or a dangerous sex offender and shall contain a summary of the
26 person's behavior supporting such allegations. A copy of such certificate
27 shall be immediately forwarded to the county attorney.

28 (b) In the case of a subject domiciled within Indian country who is
29 taken into emergency protective custody by a law enforcement officer
30 under tribal law, upon admission to a facility or jail, such officer
31 shall execute written documentation in a format provided by the tribe. At

1 a minimum, such documentation shall clearly identify the subject,
2 identify the relevant tribe, allege the officer's belief that the person
3 in custody is mentally ill and dangerous or a dangerous sex offender
4 under tribal law, and contain a summary of the subject's behavior
5 supporting such allegations. A copy of such documentation shall be
6 immediately forwarded to the appropriate tribal prosecutor or tribal
7 official.

8 (4)(a) The administrator of the facility or jail shall have such
9 person evaluated by a mental health professional as soon as reasonably
10 possible but not later than thirty-six hours after admission. The mental
11 health professional shall not be the mental health professional who
12 causes such person to be taken into custody under this section and shall
13 not be a member or alternate member of the mental health board that will
14 preside over any hearing under the Nebraska Mental Health Commitment Act
15 or the Sex Offender Commitment Act with respect to such person. Upon the
16 agreement of all parties, the evaluation may be conducted by
17 videoconferencing if the mental health professional thinks it appropriate
18 under the circumstances.

19 (b) A person shall be released from emergency protective custody
20 after completion of such evaluation unless the mental health professional
21 determines, in his or her clinical opinion, that such person is mentally
22 ill and dangerous or a dangerous sex offender. In the case of a subject
23 domiciled within Indian country who is taken into emergency protective
24 custody under tribal law, the mental health professional shall notify an
25 appropriate tribal prosecutor or official of such release.

26 **Sec. 6.** Section 71-1203, Revised Statutes Supplement, 2025, is
27 amended to read:

28 71-1203 For purposes of the Sex Offender Commitment Act:

29 (1) The definitions found in sections 71-904.02, 71-904.03, 71-905,
30 71-906, 71-907, 71-910, 71-911, 71-914.01, 71-914.02, 71-914.03, and
31 83-174.01 apply;

1 (2) Administrator means the administrator or other chief
2 administrative officer of a treatment facility, medical facility, jail,
3 or Department of Correctional Services facility or his or her designee;

4 (3) Outpatient treatment means treatment ordered by a mental health
5 board directing a subject to comply with specified outpatient treatment
6 requirements, including, but not limited to, (a) taking prescribed
7 medication, (b) reporting to a mental health professional or treatment
8 facility for treatment or for monitoring of the subject's condition, or
9 (c) participating in individual or group therapy or educational,
10 rehabilitation, residential, or vocational programs;

11 (4)(a) Subject means any person concerning whom (i) a certificate
12 has been filed under section 71-1204, (ii) a certificate has been filed
13 under section 71-919 and such person is held pursuant to subdivision (2)
14 (c) ~~(2)(b)~~ of section 71-919, or (iii) a petition has been filed under
15 the Sex Offender Commitment Act.

16 (b) Subject also includes a person who is a member of a tribe or
17 eligible for membership in a tribe, who is domiciled within Indian
18 country in Nebraska, and concerning whom sex offender involuntary
19 commitment or emergency protective custody proceedings have been
20 initiated under tribal law.

21 (c) Subject does not include any person under eighteen years of age
22 unless such person is an emancipated minor; and

23 (5) Treatment facility means a facility which provides services for
24 persons who are dangerous sex offenders.

25 **Sec. 7.** Sections 1, 2, 3, and 4 of this act become operative three
26 calendar months after the adjournment of this legislative session. The
27 other sections of this act become operative on their effective date.

28 **Sec. 8.** Original sections 71-919 and 71-1203, Revised Statutes
29 Supplement, 2025, are repealed.

30 **Sec. 9.** Since an emergency exists, this act takes effect when
31 passed and approved according to law.