

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1084

Introduced by Storer, 43.

Read first time January 15, 2026

Committee:

- 1 A BILL FOR AN ACT relating to civil commitment; to amend sections 71-919
- 2 and 71-1203, Revised Statutes Supplement, 2025; to change provisions
- 3 relating to persons taken into emergency protective custody; to
- 4 correct an internal reference; to repeal the original sections; and
- 5 to declare an emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 71-919, Revised Statutes Supplement, 2025, is
2 amended to read:

3 71-919 (1)(a) A law enforcement officer may take a person into
4 emergency protective custody, cause him or her to be taken into emergency
5 protective custody, or continue his or her custody if he or she is
6 already in custody if the officer has probable cause to believe:

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

13 (ii) For a person domiciled within Indian country in Nebraska, that
14 such person is mentally ill and dangerous or a dangerous sex offender
15 under tribal law and that harm comparable to that described in section
16 71-908 or subdivision (1) of section 83-174.01 or the equivalent under
17 tribal law is likely to occur before mental health proceedings under
18 tribal law may be initiated to obtain custody of the person.

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

22 (c)(i) Except as provided in subdivision (1)(c)(ii) of this section,
23 each county shall make arrangements with appropriate facilities inside or
24 outside the county for such purpose and shall pay the cost of the
25 emergency protective custody of persons from such county in such
26 facilities.

27 (ii) For a subject domiciled within Indian country in Nebraska for
28 whom emergency protective custody is initiated under tribal law, the
29 tribe shall make arrangements with appropriate facilities inside or
30 outside the tribe for such purpose and shall make arrangements for
31 payment of the cost of the emergency protective custody of persons from

1 such tribe in such facilities.

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

7 (2)(a) For purposes of this subsection, convicted sex offender means
8 a person with a prior conviction for an offense listed in section
9 29-4003.

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

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

25 (3)(a) Except as provided in subdivision (3)(b) of this section,
26 upon admission to a facility or jail of a person taken into emergency
27 protective custody by a law enforcement officer under this section, such
28 officer shall execute a written certificate prescribed and provided by
29 the Department of Health and Human Services. The certificate shall allege
30 the officer's belief that the person in custody is mentally ill and
31 dangerous or a dangerous sex offender and shall contain a summary of the

1 person's behavior supporting such allegations. A copy of such certificate
2 shall be immediately forwarded to the county attorney.

3 (b) In the case of a subject domiciled within Indian country who is
4 taken into emergency protective custody by a law enforcement officer
5 under tribal law, upon admission to a facility or jail, such officer
6 shall execute written documentation in a format provided by the tribe. At
7 a minimum, such documentation shall clearly identify the subject,
8 identify the relevant tribe, allege the officer's belief that the person
9 in custody is mentally ill and dangerous or a dangerous sex offender
10 under tribal law, and contain a summary of the subject's behavior
11 supporting such allegations. A copy of such documentation shall be
12 immediately forwarded to the appropriate tribal prosecutor or tribal
13 official.

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

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

1 **Sec. 2.** Section 71-1203, Revised Statutes Supplement, 2025, is
2 amended to read:

3 71-1203 For purposes of the Sex Offender Commitment Act:

4 (1) The definitions found in sections 71-904.02, 71-904.03, 71-905,
5 71-906, 71-907, 71-910, 71-911, 71-914.01, 71-914.02, 71-914.03, and
6 83-174.01 apply;

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

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

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

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

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

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

31 **Sec. 3.** Original sections 71-919 and 71-1203, Revised Statutes

1 Supplement, 2025, are repealed.

2 **Sec. 4.** Since an emergency exists, this act takes effect when
3 passed and approved according to law.