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March 15, 2005 LB 206

recognized to open on LB 206.

SENATOR BYARS: Thank you, Mr. President. LB 206 is a bill that I bring to you that I, honestly, truly, in my heart wish that I never had to introduce. I don't think it's often in this Legislature that we do bring legislation that we regret but that we find absolutely necessary. LB 206 was the result of an incident that happened back in May of last year, 2004, where an individual who has developmental disabilities and severe behavior and mental health issues seriously injured a young boy. We received an alert from that, that we're missing a vital service within our developmental disabilities community. The man responsible was sent to jail. Because of his developmental disability, he wasn't able to stand trial, but he was also not receiving any type of treatment for his disability in jail either. Something needed to change. Shortly after the incident, Governor Johanns called together a group representing Health and Human Services, advocacy agencies, the Legislature, for the specific purpose of developing a risk assessment and screening process, which at this point is already in place; and to develop a secure unit for the very, very few developmental disability clients with high-risk and dangerous behaviors, this already has been put in place administratively; and to develop a Developmental Disabilities Court-Ordered Custody Act, which is before you now in LB 206. LB 206 was developed for two reasons: one, to protect society; and two, to protect individuals with developmental disabilities who have severe behavior issues. Under this act, the person who is...who has the developmental disability would be ensured that his or her rights are protected and, if ordered into custody, that custody would be an appropriate placement for treatment. LB 206 provides the state with a very narrow avenue in which to place into custody a person with developmental disabilities who is...who has posed the threat of harm to someone in the community. "Threat of harm" is defined in Section 15 of the bill as actually having harmed or attempted to harm someone. Court-ordered custody would be used for an extremely small number of individuals, probably fewer than ten or less a year. Typically, those individuals who have developmental disabilities and have violent behavior still deserve and are entitled to appropriate care and treatment. We have done this with mental health commitment, but