

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 516

Introduced by Pansing Brooks, 28; Baker, 30; Krist, 10.

Read first time January 18, 2017

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to juvenile facilities; to amend section
- 2 83-4,134.01, Revised Statutes Cumulative Supplement, 2016; to change
- 3 provisions relating to reports; to provide a penalty; and to repeal
- 4 the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-4,134.01, Revised Statutes Cumulative
2 Supplement, 2016, is amended to read:

3 83-4,134.01 (1) It is the intent of the Legislature to establish a
4 system of investigation and performance review in order to provide
5 increased accountability and oversight regarding the use of room
6 confinement for juveniles in a juvenile facility.

7 (2) The following shall apply regarding placement in room
8 confinement of a juvenile in a juvenile facility:

9 (a) Room confinement of a juvenile for longer than one hour shall be
10 documented and approved in writing by a supervisor in the juvenile
11 facility. Documentation of the room confinement shall include the date of
12 the occurrence; the race, ethnicity, age, and gender of the juvenile; the
13 reason for placement of the juvenile in room confinement; an explanation
14 of why less restrictive means were unsuccessful; the ultimate duration of
15 the placement in room confinement; facility staffing levels at the time
16 of confinement; and any incidents of self-harm or suicide committed by
17 the juvenile while he or she was isolated;

18 (b) If any physical or mental health clinical evaluation was
19 performed during the time the juvenile was in room confinement for longer
20 than one hour, the results of such evaluation shall be considered in any
21 decision to place a juvenile in room confinement or to continue room
22 confinement;

23 (c) The juvenile facility shall submit a report quarterly to the
24 Legislature on the ~~number~~ of juveniles placed in room confinement; the
25 length of time each juvenile was in room confinement; the race,
26 ethnicity, age, and gender of each juvenile placed in room confinement;
27 facility staffing levels at the time of confinement; and the reason each
28 juvenile was placed in room confinement. The report shall specifically
29 address each instance of room confinement of a juvenile for more than
30 four hours, including all reasons why attempts to return the juvenile to
31 the general population of the juvenile facility were unsuccessful. The

1 report shall also detail all corrective measures taken in response to
2 noncompliance with this section. The report shall redact all personal
3 identifying information but shall provide individual, not aggregate,
4 data. The report shall be delivered electronically to the Legislature.
5 The initial quarterly report shall be submitted within two weeks after
6 the quarter ending on September 30, 2016. Subsequent reports shall be
7 submitted for the ensuing quarters within two weeks after the end of each
8 quarter; and

9 (d) The Inspector General of Nebraska Child Welfare shall review all
10 data collected pursuant to this section in order to assess the use of
11 room confinement for juveniles in each juvenile facility and prepare an
12 annual report of his or her findings, including, but not limited to,
13 identifying changes in policy and practice which may lead to decreased
14 use of such confinement as well as model evidence-based criteria to be
15 used to determine when a juvenile should be placed in room confinement.
16 The report shall be delivered electronically to the Legislature on an
17 annual basis.

18 (e) Any person who intentionally and knowingly fails to comply with
19 this section shall be guilty of a Class V misdemeanor.

20 Sec. 2. Original section 83-4,134.01, Revised Statutes Cumulative
21 Supplement, 2016, is repealed.