

## LEGISLATIVE BILL 829

Approved by the Governor June 16, 1997

Introduced by Hillman, 48; Brown, 6; Kiel, 9; Schimek, 27

AN ACT relating to the Protection from Domestic Abuse Act; to amend sections 42-901, 42-902, 42-918 to 42-923, and 42-927, Reissue Revised Statutes of Nebraska; to require an incident recording system and reports; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 42-901, Reissue Revised Statutes of Nebraska, is amended to read:

42-901. Sections 42-901 to 42-929 and section 10 of this act shall be known and may be cited as the Protection from Domestic Abuse Act.

Sec. 2. Section 42-902, Reissue Revised Statutes of Nebraska, is amended to read:

42-902. The Legislature hereby finds and declares that there is a present and growing need to develop services which will lessen and reduce the trauma of domestic abuse. It is the intent of the Protection from Domestic Abuse Act sections 42-901 to 42-927 to provide abused family and household members necessary services including shelter, counseling, social services, and limited medical care and legal assistance.

Sec. 3. Section 42-918, Reissue Revised Statutes of Nebraska, is amended to read:

42-918. Under sections 42-901 to 42-927 the Protection from Domestic Abuse Act, strict confidence shall be observed in all contact with victims of spouse abuse and their families. Any record, report, or files maintained by the department pursuant to sections 42-901 to 42-927 the act shall be confidential, except that the department may release statistical information, while not revealing names. Violation of this section shall be a Class V misdemeanor.

Sec. 4. Section 42-919, Reissue Revised Statutes of Nebraska, is amended to read:

42-919. All programs under sections 42-901 to 42-927 the Protection from Domestic Abuse Act shall be separate and administered independent of any welfare assistance program.

Sec. 5. Section 42-920, Reissue Revised Statutes of Nebraska, is amended to read:

42-920. The department may construct, lease, purchase, purchase on contract, utilize vendor payment, and contract for services connected with the operation of sections 42-901 to 42-927 the Protection from Domestic Abuse Act as needs and interest demand.

Sec. 6. Section 42-921, Reissue Revised Statutes of Nebraska, is amended to read:

42-921. The department may accept gifts, grants, devises, and bequests of real and personal property from public or private sources to carry out the purposes of sections 42-901 to 42-927 the Protection from Domestic Abuse Act. The department may sell, lease, exchange, invest, or expend such gifts, grants, devises, and bequests or the proceeds, rents, profits, and income therefrom according to the terms and conditions thereof.

Sec. 7. Section 42-922, Reissue Revised Statutes of Nebraska, is amended to read:

42-922. The department shall adopt and promulgate such rules and regulations and perform all other acts as may be necessary or appropriate to carry out sections 42-901 to 42-927 the Protection from Domestic Abuse Act. Such rules and regulations shall include, but not be limited to, rules and regulations relating to fees charged, training of personnel, and administration of the program.

Sec. 8. Section 42-923, Reissue Revised Statutes of Nebraska, is amended to read:

42-923. The department shall determine the ability of the spouses or individuals to pay for services but shall not charge more than the actual cost. The department shall prepare and adopt a uniform fee schedule to be used. The scheduled fees may be reduced or waived by authorization of the department according to the rules of the department and as may be considered necessary to further the objective of sections 42-901 to 42-927 the Protection from Domestic Abuse Act. The use of facilities and services established by sections 42-901 to 42-927 the act shall not be denied residents of Nebraska

because of inability to pay scheduled fees. Any fees received under this section shall be deposited in the General Fund.

Sec. 9. Section 42-927, Reissue Revised Statutes of Nebraska, is amended to read:

42-927. All law enforcement agencies in the state shall provide officers employed by them with an education and training program designed to inform the officers of the problems of domestic abuse, procedures to deal with such problems, the provisions of sections 42-901 to 42-927 Protection from Domestic Abuse Act, and the services and facilities available to abused family and household members.

Sec. 10. (1) By January 1, 1998, each law enforcement agency shall develop a system for recording incidents of domestic abuse within its jurisdiction. All incidents of domestic abuse, whether or not an arrest was made, shall be documented with a written incident report form that includes a domestic abuse identifier.

(2) By January 1, 1998, the Nebraska Commission on Law Enforcement and Criminal Justice shall develop or shall approve a monthly reporting process. Each law enforcement agency shall compile and submit a monthly report to the commission on the number of domestic abuse incidents recorded within its jurisdiction.

(3) The commission shall report annually to the Governor, the Legislature, and the public the total number of incidents of domestic abuse reported by each reporting agency.

Sec. 11. Original sections 42-901, 42-902, 42-918 to 42-923, and 42-927, Reissue Revised Statutes of Nebraska, are repealed.