

AMENDMENTS TO LB516

Introduced by Judiciary.

1           1. Insert the following new sections:

2           Section 1. Section 71-1940, Revised Statutes Cumulative Supplement,  
3           2016, is amended to read:

4           71-1940 The department may deny, refuse to renew, or take  
5           disciplinary action against a license issued under the Children's  
6           Residential Facilities and Placing Licensure Act on any of the following  
7           grounds:

8           (1) Failure to meet or violation of any of the requirements of the  
9           act or the rules and regulations adopted and promulgated under the act;

10          (2) Violation of an order of the department under the act;

11          (3) Conviction, admission, or substantial evidence of committing or  
12          permitting, aiding, or abetting another to commit any unlawful act,  
13          including, but not limited to, unlawful acts committed by an applicant or  
14          licensee under the act, household members who reside at the place where  
15          children's residential care or child-placing services are provided, or  
16          employees of the applicant or licensee that involve:

17          (a) Physical abuse of children or vulnerable adults as defined in  
18          section 28-371;

19          (b) Endangerment or neglect of children or vulnerable adults;

20          (c) Sexual abuse, sexual assault, or sexual misconduct;

21          (d) Homicide;

22          (e) Use, possession, manufacturing, or distribution of a controlled  
23          substance listed in section 28-405;

24          (f) Property crimes, including, but not limited to, fraud,  
25          embezzlement, and theft by deception; or

26          (g) Use of a weapon in the commission of an unlawful act;

27          (4) Conduct or practices detrimental to the health, safety, or

1 welfare of any individual residing in, served by, or employed at the  
2 residential child-caring agency or child-placing agency;

3 (5) Failure to allow an agent or employee of the department access  
4 to the residential child-caring agency or child-placing agency for the  
5 purposes of inspection, investigation, or other information collection  
6 activities necessary to carry out the duties of the department;

7 (6) Failure to allow local or state inspectors, investigators, or  
8 law enforcement officers access to the residential child-caring agency or  
9 child-placing agency for the purposes of investigation necessary to carry  
10 out their duties;

11 (7) Failure to meet requirements relating to sanitation, fire  
12 safety, and building codes;

13 (8) Failure to comply with or violation of the Medication Aide Act;

14 (9) Failure to file a report of suspected abuse or neglect as  
15 required by sections 28-372 and 28-711;

16 (10) Violation of any city, village, or county rules, regulations,  
17 resolutions, or ordinances regulating licensees;

18 (11) A history of misconduct or violations by an applicant or  
19 licensee involving children or vulnerable adults; ~~or~~

20 (12) Violation of the requirements of section 83-4,134.01; or

21 (13) ~~(12)~~ Violation of any federal, state, or local law involving  
22 care of children.

23 Sec. 2. Section 83-4,125, Revised Statutes Cumulative Supplement,  
24 2016, is amended to read:

25 83-4,125 For purposes of sections 83-4,124 to 83-4,134.01:

26 (1) Criminal detention facility means any institution operated by a  
27 political subdivision or a combination of political subdivisions for the  
28 careful keeping or rehabilitative needs of adult or juvenile criminal  
29 offenders or those persons being detained while awaiting disposition of  
30 charges against them. Criminal detention facility does not include any  
31 institution operated by the Department of Correctional Services. Criminal

1 detention facilities shall be classified as follows:

2 (a) Type I Facilities means criminal detention facilities used for  
3 the detention of persons for not more than twenty-four hours, excluding  
4 nonjudicial days;

5 (b) Type II Facilities means criminal detention facilities used for  
6 the detention of persons for not more than ninety-six hours, excluding  
7 nonjudicial days; and

8 (c) Type III Facilities means criminal detention facilities used for  
9 the detention of persons beyond ninety-six hours;

10 (2) Juvenile detention facility means an institution operated by a  
11 political subdivision or political subdivisions for the secure detention  
12 and treatment of persons younger than eighteen years of age, including  
13 persons under the jurisdiction of a juvenile court, who are serving a  
14 sentence pursuant to a conviction in a county or district court or who  
15 are detained while waiting disposition of charges against them. Juvenile  
16 detention facility does not include any institution operated by the  
17 department;

18 (3) Juvenile facility means a residential child-caring agency as  
19 defined in section 71-1926, a juvenile detention facility or staff secure  
20 juvenile facility as defined in this section, a facility operated by the  
21 Department of Correctional Services that houses youth under the age of  
22 majority, or a youth rehabilitation and treatment center;

23 (4) Room confinement means the involuntary restriction of a juvenile  
24 placed alone in to a cell, alone in a room, or alone in another other  
25 area, alone, including a juvenile's own room, except during normal  
26 sleeping hours, whether or not such cell, room, or other area is subject  
27 to video or other electronic monitoring; and

28 (5) Staff secure juvenile facility means a juvenile residential  
29 facility operated by a political subdivision (a) which does not include  
30 construction designed to physically restrict the movements and activities  
31 of juveniles who are in custody in the facility, (b) in which physical

1 restriction of movement or activity of juveniles is provided solely  
2 through staff, (c) which may establish reasonable rules restricting  
3 ingress to and egress from the facility, and (d) in which the movements  
4 and activities of individual juvenile residents may, for treatment  
5 purposes, be restricted or subject to control through the use of  
6 intensive staff supervision. Staff secure juvenile facility does not  
7 include any institution operated by the department.

8 2. On page 3, strike lines 18 and 19 and insert the following new  
9 subdivision:

10 "(e) Any juvenile facility which is not a residential child-caring  
11 agency which fails to comply with the requirements of this section is  
12 subject to disciplinary action as provided in section 83-4,134. Any  
13 juvenile facility which is a residential child-caring agency which fails  
14 to comply with the requirements of this section is subject to  
15 disciplinary action as provided in section 71-1940."

16 3. Renumber the remaining sections and amend the repealer  
17 accordingly.