

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 539

Introduced by Krist, 10.

Read first time January 18, 2017

Committee: Executive Board

- 1 A BILL FOR AN ACT relating to the Office of Inspector General of the
- 2 Nebraska Correctional System Act; to amend section 47-905, Revised
- 3 Statutes Cumulative Supplement, 2016; to change provisions relating
- 4 to investigations and reports; to harmonize provisions; and to
- 5 repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 47-905, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 47-905 (1) The office shall investigate:

4 (a) Allegations or incidents of possible misconduct, misfeasance,
5 malfeasance, or violations of statutes or of rules or regulations of the
6 department by an employee of or a person under contract with the
7 department or a private agency; and

8 (b) Death or serious injury in private agencies, department
9 correctional facilities, and other programs and facilities licensed by or
10 under contract with the department. The department shall report all cases
11 of death or serious injury of a person in a private agency, department
12 correctional facility or program, or other program or facility licensed
13 by the department to the Inspector General as soon as reasonably possible
14 after the department learns of such death or serious injury. The
15 department shall also report all cases of the death or serious injury of
16 an employee when acting in his or her capacity as an employee of the
17 department as soon as reasonably possible after the department learns of
18 such death or serious injury. The department shall also report all cases
19 when an employee is hospitalized in response to an injury received when
20 acting in his or her capacity as an employee of the department as soon as
21 reasonably possible after the department learns of such hospitalization.
22 For purposes of this subdivision, serious injury means an injury which
23 requires urgent and immediate medical treatment and restricts the injured
24 person's usual activity or illness caused by malfeasance or misfeasance
25 which leaves a person in critical or serious condition.

26 (2) Any investigation conducted by the Inspector General shall be
27 independent of and separate from an investigation pursuant to sections
28 23-1821 to 23-1823.

29 (3) Notwithstanding the fact that a criminal investigation, a
30 criminal prosecution, or both are in progress, all law enforcement
31 agencies and prosecuting attorneys shall cooperate with any investigation

1 conducted by the Inspector General and shall, immediately upon request by
2 the Inspector General, provide the Inspector General with copies of all
3 law enforcement reports which are relevant to the Inspector General's
4 investigation. All law enforcement reports which have been provided to
5 the Inspector General pursuant to this section are not public records for
6 purposes of sections 84-712 to 84-712.09 and shall not be subject to
7 discovery by any other person or entity. Except to the extent that
8 disclosure of information is otherwise provided for in the Office of
9 Inspector General of the Nebraska Correctional System Act, the Inspector
10 General shall maintain the confidentiality of all law enforcement reports
11 received pursuant to its request under this section. Law enforcement
12 agencies and prosecuting attorneys shall, when requested by the Inspector
13 General, collaborate with the Inspector General regarding all other
14 information relevant to the Inspector General's investigation. If the
15 Inspector General in conjunction with the Public Counsel determines it
16 appropriate, the Inspector General may, when requested to do so by a law
17 enforcement agency or prosecuting attorney, suspend an investigation by
18 the office until a criminal investigation or prosecution is completed or
19 has proceeded to a point that, in the judgment of the Inspector General,
20 reinstatement of the Inspector General's investigation will not impede or
21 infringe upon the criminal investigation or prosecution. The Inspector
22 General shall not interview any person who has already been interviewed
23 by a law enforcement agency in connection with a relevant ongoing
24 investigation of a law enforcement agency without the consent of the
25 prosecuting attorney ~~Under no circumstance shall the Inspector General~~
26 ~~interview any person who has already been interviewed by a law~~
27 ~~enforcement agency in connection with a relevant ongoing investigation of~~
28 ~~a law enforcement agency.~~

29 Sec. 2. Original section 47-905, Revised Statutes Cumulative
30 Supplement, 2016, is repealed.