

ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019
COMMITTEE STATEMENT
LB230

Hearing Date: Thursday February 14, 2019
Committee On: Judiciary
Introducer: Pansing Brooks
One Liner: Provide for room confinement of juveniles as prescribed

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Brandt, DeBoer, Lathrop, Morfeld, Pansing Brooks, Slama, Wayne
Nay:		
Absent:	1	Senator Chambers
Present Not Voting:		

Oral Testimony:

Proponents:

Senator Patty Pansing Brooks
Kellee Kucera Moreno
Diane Marti
Dylan Murphy
Julie Wertheimer
Richard Wiener
Juliet Summers
Beth Ann Brooks

Paige Larson
Mary Kathleen Ogle
Jason Witmer
Scout Richters
Tom Miller
Paul Feilmann

Representing:

Introducer
self
Nebraska Psychological Association
self
ACLU
ACLU
Voices for Children in Nebraska
Nebraska Regional Council of the American Academy of Child & Adolescent Psychiatry
self
self
Mental Health Association
ACLU of Nebraska
self
self

Opponents:

Larry Storer

Representing:

self

Neutral:

Julie Rogers
Elaine Menzel

Representing:

Inspector General of Nebraska Child Welfare
Nebraska Association of County Officials

Summary of purpose and/or changes:

Under Sec. 83-4,134.01, the use of room confinement for more than one hour in juvenile facilities must be documented and approved by a supervisor. Section 1 of LB230 would amend Sec. 83-4,134.01 to provide that room confinement of more than one hour in a twenty-four hour period is subject to the documentation and approval requirements. This section would also add a new subsection that would expressly prohibit the use of consecutive periods of confinement to

avoid the documentation, approval, and reporting requirements.

Section 2 would add specific restrictions on the use of room confinement. Juveniles could not be placed in room confinement as punishment, retaliation, or due to a staffing shortage. Juveniles could not be placed in room confinement unless the juvenile poses an immediate and substantial risk of harm to self or others and all less-restrictive alternatives have been exhausted.

This section would also provide that juveniles could not be held in room confinement longer than necessary to eliminate the substantial and immediate risk of harm to self or others and never so long as to harm the mental or physical health of the juvenile.

Section 2 would require notice of the use of room confinement to the juvenile's parents and attorney.

This section would also provide requirements for the rooms used for room confinement and the juvenile's access to medical and mental health services, educational programming, meals, and contact with parents, guardians, and attorneys while in room confinement. Staff would be required to continuously monitor juveniles in room confinement.

Section 2 would use the same definition of room confinement as in Sec. 83-4,125(4), but would use a different definition of juvenile facility than the one in Sec. 83-4,125(3).

Explanation of amendments:

AM450 replaces the original bill. The amendment makes two changes to clarify definitions. First, the amendment adds additional language to clarify that "continuous monitoring" may be accomplished with regular in-person visits and supplemented by electronic video monitoring.

The amendment also removes the new definition of juvenile facility, but clarifies that the new requirements in LB 230 only apply to detention and staff secure facilities, facilities operated by the Department of Correctional Services, YRTC's, and any county facility that houses youth under the age of majority.

The requirements and restrictions on the use of room confinement in existing law continue to apply to all juvenile facilities, as defined by Sec. 83-4,125(3).

Steve Lathrop, Chairperson