

AMENDMENTS TO LB816

(Amendments to Standing Committee amendments, AM1814)

Introduced by Storer, 43.

1           1. Insert the following new sections:

2           **Sec. 5.** Section 71-919, Revised Statutes Supplement, 2025, is  
3 amended to read:

4           71-919 (1)(a) A law enforcement officer may take a person into  
5 emergency protective custody, cause him or her to be taken into emergency  
6 protective custody, or continue his or her custody if he or she is  
7 already in custody if the officer has probable cause to believe:

8           (i) Such person is mentally ill and dangerous or a dangerous sex  
9 offender and that the harm described in section 71-908 or subdivision (1)  
10 of section 83-174.01 is likely to occur before mental health board  
11 proceedings under the Nebraska Mental Health Commitment Act or the Sex  
12 Offender Commitment Act may be initiated to obtain custody of the person;  
13 or

14           (ii) For a person domiciled within Indian country in Nebraska, that  
15 such person is mentally ill and dangerous or a dangerous sex offender  
16 under tribal law and that harm comparable to that described in section  
17 71-908 or subdivision (1) of section 83-174.01 or the equivalent under  
18 tribal law is likely to occur before mental health proceedings under  
19 tribal law may be initiated to obtain custody of the person.

20           (b) Such person shall be admitted to an appropriate and available  
21 medical facility, jail, or Department of Correctional Services facility  
22 as provided in subsection (2) of this section.

23           (c)(i) Except as provided in subdivision (1)(c)(ii) of this section,  
24 each county shall make arrangements with appropriate facilities inside or  
25 outside the county for such purpose and shall pay the cost of the  
26 emergency protective custody of persons from such county in such

1 facilities.

2 (ii) For a subject domiciled within Indian country in Nebraska for  
3 whom emergency protective custody is initiated under tribal law, the  
4 tribe shall make arrangements with appropriate facilities inside or  
5 outside the tribe for such purpose and shall make arrangements for  
6 payment of the cost of the emergency protective custody of persons from  
7 such tribe in such facilities.

8 (d) A mental health professional who has probable cause to believe  
9 that a person is mentally ill and dangerous or a dangerous sex offender  
10 may cause such person to be taken into custody and shall have a limited  
11 privilege to hold such person until a law enforcement officer or other  
12 authorized person arrives to take custody of such person.

13 (2)(a) For purposes of this subsection, convicted sex offender means  
14 a person with a prior conviction for an offense listed in section  
15 29-4003.

16 (b) A person taken into emergency protective custody under this  
17 section who is not a convicted sex offender shall be admitted to an  
18 appropriate and available medical facility, except that such person may  
19 instead be admitted to a jail or other facility with an available mental  
20 health bed under the Regional Mental Health Expansion Pilot Program Act  
21 until an appropriate medical facility is available.

22 (c) A person taken into emergency protective custody under this  
23 section who is ~~not~~ a convicted sex offender shall be admitted to a jail  
24 or Department of Correctional Services facility unless a medical or  
25 psychiatric emergency exists for which treatment at a medical facility is  
26 required. The person in emergency protective custody shall remain at the  
27 medical facility until the medical or psychiatric emergency has passed  
28 and it is safe to transport such person, at which time the person shall  
29 be transferred to an available jail or Department of Correctional  
30 Services facility.

31 (3)(a) Except as provided in subdivision (3)(b) of this section,

1 upon admission to a facility or jail of a person taken into emergency  
2 protective custody by a law enforcement officer under this section, such  
3 officer shall execute a written certificate prescribed and provided by  
4 the Department of Health and Human Services. The certificate shall allege  
5 the officer's belief that the person in custody is mentally ill and  
6 dangerous or a dangerous sex offender and shall contain a summary of the  
7 person's behavior supporting such allegations. A copy of such certificate  
8 shall be immediately forwarded to the county attorney.

9 (b) In the case of a subject domiciled within Indian country who is  
10 taken into emergency protective custody by a law enforcement officer  
11 under tribal law, upon admission to a facility or jail, such officer  
12 shall execute written documentation in a format provided by the tribe. At  
13 a minimum, such documentation shall clearly identify the subject,  
14 identify the relevant tribe, allege the officer's belief that the person  
15 in custody is mentally ill and dangerous or a dangerous sex offender  
16 under tribal law, and contain a summary of the subject's behavior  
17 supporting such allegations. A copy of such documentation shall be  
18 immediately forwarded to the appropriate tribal prosecutor or tribal  
19 official.

20 (4)(a) The administrator of the facility or jail shall have such  
21 person evaluated by a mental health professional as soon as reasonably  
22 possible but not later than thirty-six hours after admission. The mental  
23 health professional shall not be the mental health professional who  
24 causes such person to be taken into custody under this section and shall  
25 not be a member or alternate member of the mental health board that will  
26 preside over any hearing under the Nebraska Mental Health Commitment Act  
27 or the Sex Offender Commitment Act with respect to such person. Upon the  
28 agreement of all parties, the evaluation may be conducted by  
29 videoconferencing if the mental health professional thinks it appropriate  
30 under the circumstances.

31 (b) A person shall be released from emergency protective custody

1 after completion of such evaluation unless the mental health professional  
2 determines, in his or her clinical opinion, that such person is mentally  
3 ill and dangerous or a dangerous sex offender. In the case of a subject  
4 domiciled within Indian country who is taken into emergency protective  
5 custody under tribal law, the mental health professional shall notify an  
6 appropriate tribal prosecutor or official of such release.

7 **Sec. 6.** Section 71-1203, Revised Statutes Supplement, 2025, is  
8 amended to read:

9 71-1203 For purposes of the Sex Offender Commitment Act:

10 (1) The definitions found in sections 71-904.02, 71-904.03, 71-905,  
11 71-906, 71-907, 71-910, 71-911, 71-914.01, 71-914.02, 71-914.03, and  
12 83-174.01 apply;

13 (2) Administrator means the administrator or other chief  
14 administrative officer of a treatment facility, medical facility, jail,  
15 or Department of Correctional Services facility or his or her designee;

16 (3) Outpatient treatment means treatment ordered by a mental health  
17 board directing a subject to comply with specified outpatient treatment  
18 requirements, including, but not limited to, (a) taking prescribed  
19 medication, (b) reporting to a mental health professional or treatment  
20 facility for treatment or for monitoring of the subject's condition, or  
21 (c) participating in individual or group therapy or educational,  
22 rehabilitation, residential, or vocational programs;

23 (4)(a) Subject means any person concerning whom (i) a certificate  
24 has been filed under section 71-1204, (ii) a certificate has been filed  
25 under section 71-919 and such person is held pursuant to subdivision (2)  
26 (c) ~~(2)(b)~~ of section 71-919, or (iii) a petition has been filed under  
27 the Sex Offender Commitment Act.

28 (b) Subject also includes a person who is a member of a tribe or  
29 eligible for membership in a tribe, who is domiciled within Indian  
30 country in Nebraska, and concerning whom sex offender involuntary  
31 commitment or emergency protective custody proceedings have been

1 initiated under tribal law.

2 (c) Subject does not include any person under eighteen years of age  
3 unless such person is an emancipated minor; and

4 (5) Treatment facility means a facility which provides services for  
5 persons who are dangerous sex offenders.

6 **Sec. 7.** Sections 1, 2, 3, and 4 of this act become operative three  
7 calendar months after the adjournment of this legislative session. The  
8 other sections of this act become operative on their effective date.

9 **Sec. 8.** Original sections 71-919 and 71-1203, Revised Statutes  
10 Supplement, 2025, are repealed.

11 **Sec. 9.** Since an emergency exists, this act takes effect when  
12 passed and approved according to law.