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LEGISLATURE OF NEBRASKA

ONE HUNDRED NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1084

Introduced by Storer, 43.

Read first time January 15, 2026

Committee: Judiciary

A BILL FOR AN ACT relating to civil commitment; to amend sections 71-919 and 71-1203, Revised Statutes Supplement, 2025; to change provisions relating to persons taken into emergency protective custody; to correct an internal reference; to repeal the original sections; and to declare an emergency.

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

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Section 1. Section 71-919, Revised Statutes Supplement, 2025, is amended to read:

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

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

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

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

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

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

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such tribe in such facilities.

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

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

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

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

(3)(a) Except as provided in subdivision (3)(b) of this section, upon admission to a facility or jail of a person taken into emergency protective custody by a law enforcement officer under this section, such officer shall execute a written certificate prescribed and provided by the Department of Health and Human Services. The certificate shall allege the officer's belief that the person in custody is mentally ill and dangerous or a dangerous sex offender and shall contain a summary of the

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person's behavior supporting such allegations. A copy of such certificate shall be immediately forwarded to the county attorney.

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

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

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

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Sec. 2. Section 71-1203, Revised Statutes Supplement, 2025, is amended to read:

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

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

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

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

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

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

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

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

Sec. 3. Original sections 71-919 and 71-1203, Revised Statutes

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Supplement, 2025, are repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.