

March 29, 1979

LB 326, 376

SENATOR SCHMIT: I move the bill be advanced to E & R.

SPEAKER MARVEL: All those in favor of advancing the bill to E & R for review vote aye, opposed no. Have you all voted? Record.

CLERK: 27 ayes, 1 nay on the motion to advance, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill, LB 376.

CLERK: Mr. President, LB 376. Title read. The bill was read for the first time on January 17. It was referred to the Public Health and Welfare Committee. There are committee amendments pending by Senator Cullan's Public Health and Welfare Committee.

SPEAKER MARVEL: Senator Cullan, do you want to take up the committee amendments?

SENATOR CULLAN: Yes, Mr. President, members of the Legislature, this bill was sponsored by the Judiciary Committee. The committee, the Public Health and Welfare Committee did, the bill was referred to us and we did offer some amendments. Basically the amendments to LB 376 by the Public Health and Welfare Committee allow for civil protective custody for an individual who has consumed too much alcohol, an intoxicated individual, so that they may be taken to a detoxification center, a home, and as a last resort to jail but the bill does mandate that they initially attempt to take these individuals to all other places first and jail as a last resort, and the intent of the amendments, they can keep these individuals in such civil protective custody for a maximum of twelve hours. Now the amendments were drawn with the assistance of the State Patrol and with the assistance of the counsel for the Judiciary Committee. Also there is some immunity given to law enforcement officers if they act as far as false arrest if they do detain someone under the civil protective custody which is presented under these particular amendments. I would say, Mr. President, members of the Legislature, that we believe these amendments are vitally necessary if decriminalization of intoxication is going to be carried out. I would refer to some testimony presented to the Public Health and Welfare Committee by a Mr. Shaw, excuse me, I can't remember, by Mr. Whetstone from the County Officials Association and I would quote from the record of the Public Health and Welfare Committee and in quoting he says, "I can point to a recent accident that