

LEGISLATIVE BILL 252

Approved by the Governor March 15, 1985

Introduced by Public Health & Welfare Committee,
Wesely, 26, Chairperson; Lynch, 13;
Smith, 33; Peterson, 21; Hall, 7;
Withem, 14

AN ACT relating to mental health commitment; to amend sections 83-1006, 83-1009, 83-1019, 83-1041, and 83-1054, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to provide commitment procedures for drug abusers; to authorize continuances for voluntary treatment; to harmonize provisions; to eliminate certain provisions relating to the commitment of drug users; and to repeal the original sections, and also sections 83-701 to 83-707, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 83-1006, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1006. Mental health center shall mean a facility which provides services as defined in ~~section 71-5002~~ sections 71-5001 to 71-5041 and 83-158.01 to 83-169.

Sec. 2. That section 83-1009, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1009. Mentally ill dangerous person shall mean any mentally ill person, ~~or~~ alcoholic person, or drug abusing person who presents:

(1) A substantial risk of serious harm to another person or persons within the near future, as manifested by evidence of recent violent acts or threats of violence or by placing others in reasonable fear of such harm; or

(2) A substantial risk of serious harm to himself ~~or herself~~ within the near future, as manifested by evidence of recent attempts at, or threats of, suicide or serious bodily harm; or evidence of inability to provide for his ~~or her~~ basic human needs, including food, clothing, shelter, essential medical care, or personal safety.

Sec. 3. For purposes of section 83-1009, drug abusing person shall mean a person addicted to the use of controlled substances.

Sec. 4. That section 83-1019, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1019. Any person may apply for his or her own voluntary admission to any public or private hospital, other facility, or program for treatment of mental illness, alcoholism, or drug abuse in accordance with the regulations of such facilities or programs governing such admissions. ~~Any~~ ~~PROVIDED,~~ ~~that~~ any person admitted for voluntary inpatient or similar custodial treatment in such facility shall be entitled to be unconditionally discharged from the facility within forty-eight hours after delivery of his or her written request made to any official of such facility, unless action is taken under this act to continue his or her custody.

Sec. 5. That section 83-1041, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1041. If the mental health board finds the person to be a ~~dangerously~~ mentally ill ~~dangerous person~~ and in need of ~~board ordered~~ board-ordered treatment, it shall issue a warrant in duplicate, stating its findings together with the legal settlement of the proposed patient if found and if not found its information if any in regard thereto, authorizing the director of the facility to receive and keep the person as a patient for a period of observation not to exceed sixty days, at which time the director shall certify that the patient is or is not a mentally ill dangerous person. Commitment by the mental health board will be completed only when certification from the director of the facility concerned is properly filed with the referring board.

Sec. 6. That section 83-1054, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1054. Continuances shall be liberally granted at the request of the subject of a petition. Continuances may be granted to permit the subject to obtain voluntary treatment at a private facility.

Sec. 7. That original sections 83-1006, 83-1009, 83-1019, 83-1041, and 83-1054, Reissue Revised Statutes of Nebraska, 1943, and also sections 83-701 to 83-707, Reissue Revised Statutes of Nebraska, 1943, are repealed.