

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 335

Introduced by Kruse, 13; Ashford, 20; Burling, 33; Dierks, 40;
Howard, 9; McGill, 26; Pedersen, 39;

Read first time January 11, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
2 section 53-1,121, Reissue Revised Statutes of Nebraska;
3 to change provisions relating to civil protective
4 custody; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-1,121, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 53-1,121 (1) City police, county sheriffs, officers of
4 the Nebraska State Patrol, and any other such law enforcement
5 officer with power to arrest for traffic violations may take a
6 person who is ~~intoxicated~~ under the influence of alcohol or drugs
7 and in the judgment of the officer dangerous to himself, herself,
8 or others, or who is otherwise incapacitated, from any public or
9 quasi-public property. An officer removing ~~an intoxicated~~ such a
10 person from public or quasi-public property shall make a reasonable
11 effort to take such ~~intoxicated~~ person to his or her home or to
12 place such person in any hospital, clinic, ~~alcoholism~~ substance
13 abuse center, or with a medical doctor as may be necessary to
14 preserve life or to prevent injury. Such effort at placement shall
15 be deemed reasonable if the officer contacts those facilities or
16 doctors which have previously represented a willingness to accept
17 and treat such individuals and which regularly do accept such
18 individuals. If such efforts are unsuccessful or are not feasible,
19 the officer may then place ~~such intoxicated person~~ the person
20 who is under the influence of alcohol or illegal drugs in civil
21 protective custody. Civil ~~7~~ ~~except that civil~~ protective custody
22 shall be used only as long as is necessary to preserve life or
23 to prevent injury~~7~~, and under no circumstances for longer than
24 twenty-four hours, except that an individual who has been placed
25 in civil protective custody three or more times in the previous

1 six-month period may be held in civil protective custody up to
 2 seventy-two hours.

3 (2) The placement of such person in civil protective
 4 custody shall be recorded at the facility or jail to which he or
 5 she is delivered and communicated to his or her family or next of
 6 kin, if they can be located, or to such person designated by the
 7 person taken into civil protective custody.

8 (3) The law enforcement officer who acts in compliance
 9 with this section shall be deemed to be acting in the course of his
 10 or her official duty and shall not be criminally or civilly liable
 11 for such actions.

12 (4) The taking of an individual into civil protective
 13 custody under this section shall not be considered an arrest. No
 14 entry or other record shall be made to indicate that the person has
 15 been arrested or charged with a crime.

16 (5) For purposes of this section: ~~7~~ public

17 (a) Public property shall ~~mean~~ means any public
 18 right-of-way, street, highway, alley, park, or other state, county,
 19 or municipally owned property; ~~and~~ -

20 ~~(6) For the purposes of this section, quasi-public~~
 21 ~~property shall mean and include~~ (b) Quasi-public property means
 22 and includes private property or publicly owned property utilized
 23 for proprietary or business uses which invites patronage by the
 24 public or which invites public ingress and egress.

25 Sec. 2. Original section 53-1,121, Reissue Revised

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1 Statutes of Nebraska, is repealed.