

LEGISLATURE OF NEBRASKA  
 ONE HUNDRED THIRD LEGISLATURE  
 SECOND SESSION  
**LEGISLATIVE BILL 728**

Final Reading

Introduced by Harms, 48.

Read first time January 09, 2014

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Developmental Disabilities Services Act;  
 2 to amend section 83-1217.01, Reissue Revised Statutes of  
 3 Nebraska; to change provisions relating to criminal  
 4 history record information checks for certain employees  
 5 of the Division of Developmental Disabilities of the  
 6 Department of Health and Human Services; to eliminate  
 7 provisions requiring fingerprints from and criminal  
 8 history record information regarding certain employees;  
 9 to repeal the original section; to outright repeal  
 10 section 83-1217.02, Revised Statutes Cumulative  
 11 Supplement, 2012; and to declare an emergency.

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

1           Section 1. Section 83-1217.01, Reissue Revised Statutes  
2 of Nebraska, is amended to read:

3           83-1217.01 ~~Employees~~ (1) Each employee of state-operated  
4 services and facilities providing developmental disabilities services  
5 shall be subject to the criminal history record information check  
6 requirements of subdivision (9) of section 83-1217 and section  
7 83-1217.02. shall file a complete set of his or her legible  
8 fingerprints with the department. The department shall transmit such  
9 fingerprints to the Nebraska State Patrol which shall transmit a copy  
10 of the applicant's fingerprints to the Identification Division of the  
11 Federal Bureau of Investigation for a national criminal history  
12 record information check.

13           (2) The national criminal history record information  
14 check shall include information concerning the employee from federal  
15 repositories of such information and repositories of such information  
16 in other states if authorized by federal law for use by the  
17 department.

18           (3) The Nebraska State Patrol shall undertake a search  
19 for Nebraska criminal history record information concerning the  
20 employee. The Nebraska State Patrol shall issue a report to the  
21 department which contains the results of the criminal history record  
22 information check conducted by the Nebraska State Patrol.

23           (4) Criminal history record information subject to  
24 federal confidentiality requirements shall remain confidential and  
25 may be released only upon the written authorization of the employee.

1                   (5) The department, in cooperation with the Nebraska  
2 State Patrol, shall adopt and promulgate rules and regulations to  
3 carry out this section.

4                   Sec. 2. Original section 83-1217.01, Reissue Revised  
5 Statutes of Nebraska, is repealed.

6                   Sec. 3. The following section is outright repealed:  
7 Section 83-1217.02, Revised Statutes Cumulative Supplement, 2012.

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