

One Hundred Fourth Legislature - Second Session - 2016

Introducer's Statement of Intent

LB780

Chairperson: Senator Les Seiler

Committee: Judiciary

Date of Hearing: February 03, 2016

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

During the 2015 interim the LR34 (2015) Investigative Committee for the Department of Corrections held a public hearing on LR295, introduced by Senator Bolz, regarding the intersection between the behavioral health system and the correctional system. LR295 was introduced to follow up on a LR434 (2014) Investigative Committee on the Department of Corrections report finding that there is a large number of inmates with mental illness incarcerated in State prisons where treatment often times is not adequate. The purpose of the LR295 study was to find ways to divert people with mental illness away from the correctional system and direct them to the behavioral health system, the facilities and services for which are the responsibility of the State through six behavioral health regions.

During the public hearing on LR295 it became evident that a problem exists when handling Emergency Protective Custody cases. State Law provides that when law enforcement officers encounter people who they think are a danger to themselves or others they are to be taken into Emergency Protective Custody (EPC) for evaluation pending mental health board proceedings. On many occasions, however, there is no facility readily available for officers to take EPC detainees to, contrary to state law requiring Regional Behavioral Health administrators ensure adequate facilities and services to handle all types of EPC detainees. As a result, and also contrary to statute, officers are forced to reclassify some detentions as a criminal detention and place mentally ill people in jail because it is the only means they have to protect the safety of both the mentally ill and the public.

LB780 provides a mechanism for rapid transfer of custody and responsibility for EPC detainees from law enforcement to mental health authorities who are better situated and funded to deal with mental illness. In addition, the bill provides misdemeanor penalties for mental health personnel who neglect their duty.

Principal Introducer: _____

Senator Paul Schumacher