

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1145

Introduced by Health and Human Services Committee: Howard, 9,
Chairperson; Arch, 14; Cavanaugh, 6; Hansen, B., 16;
Murman, 38; Walz, 15; Williams, 36.

Read first time January 22, 2020

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Office of Juvenile Services; to amend
- 2 section 43-401, Reissue Revised Statutes of Nebraska; to provide for
- 3 a policy on the use of mechanical restraints and transportation of
- 4 juveniles; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-401, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-401 Sections 43-401 to 43-424 and sections 2 and 3 of this act
4 shall be known and may be cited as the Health and Human Services, Office
5 of Juvenile Services Act.

6 Sec. 2. (1) On or before October 1, 2020, the Department of Health
7 and Human Services shall develop and implement a policy regarding the use
8 of mechanical restraint, including shackling. The policy shall specify
9 the circumstances under which mechanical restraint, including shackling,
10 may be used and the reason for using mechanical restraints in those
11 instances. Such policy shall be publicly available.

12 (2) For purposes of this section, mechanical restraint means any
13 physical or mechanical device, material, or equipment attached or
14 adjacent to the juvenile's body that cannot be removed easily and that
15 restricts freedom of movement or normal access to such juvenile's own
16 body.

17 Sec. 3. On or before October 1, 2020, the Department of Health and
18 Human Services shall develop and implement a policy regarding the
19 transport of juveniles to, from, and between the youth rehabilitation and
20 treatment centers. Such policy shall include the means of transportation,
21 staffing for transport, and when and if notice will be given to the
22 juvenile, the court, the parent or guardian, and other relevant parties,
23 prior to transport.

24 Sec. 4. Original section 43-401, Reissue Revised Statutes of
25 Nebraska, is repealed.