

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 94

Introduced by Wayne, 13.

Read first time January 10, 2019

Committee: Judiciary

1 A BILL FOR AN ACT relating to treatment and corrections; to amend section
2 47-918, Revised Statutes Cumulative Supplement, 2018; to require a
3 report by the Inspector General of the Nebraska Correctional System;
4 to designate the Nebraska State Patrol as the agency to investigate
5 criminal activity within correctional facilities operated by the
6 Department of Correctional Services as prescribed; to provide powers
7 and duties for the patrol; to provide for confidentiality of certain
8 records; to harmonize provisions; to provide an operative date; and
9 to repeal the original section.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 47-918, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 47-918 On or before September 15 of each year, the Inspector General
4 shall provide to each member of the Judiciary Committee of the
5 Legislature, the Governor, and the Clerk of the Legislature a summary of
6 reports and investigations made under the Office of Inspector General of
7 the Nebraska Correctional System Act for the preceding year and a summary
8 of all reports received under section 2 of this act for during the
9 preceding year. The summaries ~~summary~~ provided to the Clerk of the
10 Legislature shall be provided electronically. The summaries shall include
11 recommendations and an update on the status of recommendations made in
12 prior summaries, if any. The recommendations may address issues
13 discovered through investigations, audits, inspections, and reviews by
14 the office that will (1) increase accountability and legislative
15 oversight of the Nebraska correctional system, (2) improve operations of
16 the department and the Nebraska correctional system, (3) deter and
17 identify fraud, abuse, and illegal acts, and (4) identify inconsistencies
18 between statutory requirements and requirements for accreditation. The
19 summaries shall not contain any confidential or identifying information
20 concerning the subjects of the reports and investigations.

21 Sec. 2. (1) The Nebraska State Patrol is authorized to conduct
22 investigations of any criminal activity that takes place within any
23 correctional facility operated by the Department of Correctional
24 Services.

25 (2) On the operative date of this act, the Nebraska State Patrol
26 shall employ and have oversight over any investigators employed by the
27 Department of Correctional Services.

28 (3) When the positions of any investigators employed by the
29 Department of Correctional Services are transferred to the Nebraska State
30 Patrol, all funds used by the Department of Correctional Services for the
31 administration of and salaries for such investigators shall be

1 transferred to the patrol.

2 (4) The Nebraska State Patrol shall provide information regarding
3 any investigations conducted pursuant to this section of criminal
4 activity occurring within Department of Correctional Services facilities
5 to the Inspector General of the Nebraska Correctional System. Any
6 investigation or law enforcement reports provided to the Inspector
7 General pursuant to this section are not public records for purposes of
8 sections 84-712 to 84-712.09 and shall not be subject to discovery by any
9 other person or entity. Except to the extent that disclosure of
10 information is otherwise provided for in the Office of Inspector General
11 of the Nebraska Correctional System Act, the Inspector General shall
12 maintain the confidentiality of any investigation or law enforcement
13 reports received pursuant to this section.

14 Sec. 3. This act becomes operative on January 1, 2020.

15 Sec. 4. Original section 47-918, Revised Statutes Cumulative
16 Supplement, 2018, is repealed.