

ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021
COMMITTEE STATEMENT
LB333

Hearing Date: Thursday February 11, 2021
Committee On: Judiciary
Introducer: Wayne
One Liner: Change provisions relating to possession of an electronic communications device in Department of Correctional Services facilities

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 8 Senators Brandt, DeBoer, Geist, Lathrop, McKinney, Morfeld, Pansing
Brooks, Slama
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents: Senator Justin Wayne Jerall Moreland Spike Eickholt	Representing: Introducer Ombudsmans Office Nebraska Criminal Defense Attorneys Association
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Opponents:	Representing:
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Neutral:	Representing:
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Submitted Written Testimony:

Proponents: Tim Hruza	Representing: Nebraska State Bar Association
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Opponents:	Representing:
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Neutral:	Representing:
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Summary of purpose and/or changes:

LB 333 seeks to clarify the policy for certain groups to be able to enter Department of Corrections facilities with their cellphones. The proposal adds members of the Legislature to those exempted from the criminal statute prohibiting taking a communication devise into such facilities. The bill also adds a new section that clarifies that a member of the Legislature, employees of the Ombudsman's office and inmate's attorneys may bring their cellphones into the facility without prior approval of the Director.

Section by section

Section 1 Amends 28-936, regarding a crime of introducing a communication device into a Corrections facility or providing a communication device to an inmate, by adding "member of the Legislature" to those that are exempt from the section.

Section 2 A new section that provides that members of the Legislature, employees of the Public Counsel and inmates' attorneys can bring electronic communications devices into a facility without the Director's preapproval. The section also provides a definition of electronic communication device.

Section 3 Makes section 2 part of the Nebraska Treatment and Corrections Act.

Section 4 Repeals original sections.

Explanation of amendments:

Committee Amendment AM 345 amends section 28-936 (section 1 of the bill), which prohibits introducing electronic communication devices into Department of Correctional Services facilities, to include the Inspector General of the Nebraska Correctional System and employees in the list of persons to whom the section does not apply. The amendment also includes the Inspector General for Corrections and employees in the list of people (section 2 of the bill) that may bring an electronic device into a facility without preapproval from the Director.

Steve Lathrop, Chairperson