

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 706

Introduced by Spivey, 13; McKinney, 11.

Read first time January 22, 2025

Committee: Judiciary

1 A BILL FOR AN ACT relating to law enforcement; to amend section 81-1403,
2 Reissue Revised Statutes of Nebraska; to define terms; to require
3 that APS social workers accompany law enforcement officers as
4 prescribed; to provide duties for the Department of Health and Human
5 Services, the Nebraska Commission on Law Enforcement and Criminal
6 Justice, and law enforcement agencies; to provide for sanctions; to
7 provide for discipline of law enforcement officers; and to repeal
8 the original section.
9 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** For purposes of sections 1 to 6 of this act:

2 (1) APS social worker means a social worker:

3 (a) Who has been trained in crisis intervention, trauma-informed
4 care, bias reduction, and cultural sensitivity; and

5 (b) Who has been approved by the department as provided in section 2
6 of this act;

7 (2) Commission means the Nebraska Commission on Law Enforcement and
8 Criminal Justice;

9 (3) Crisis intervention means techniques and methods used to assist
10 individuals who are experiencing acute distress, aiming to reduce the
11 intensity of the situation and prevent harm;

12 (4) Department means the Department of Health and Human Services;

13 (5) Law enforcement agency has the same meaning as in section
14 81-1401;

15 (6) Law enforcement officer has the same meaning as in section
16 81-1401;

17 (7) Social worker means a certified social worker, a certified
18 master social worker, or a licensed mental health practitioner
19 credentialed pursuant to the Uniform Credentialing Act; and

20 (8) Trauma-informed care means care provided under a framework that
21 involves understanding, recognizing, and responding to the effects of
22 trauma with an emphasis on physical, psychological, and emotional safety,
23 and that provides effective mental health services by taking into account
24 an individual's past experiences with trauma.

25 **Sec. 2.** The department shall develop and implement a program to
26 approve social workers as APS social workers who are trained in crisis
27 intervention, trauma-informed care, bias reduction, and cultural
28 sensitivity. The department may develop its own training program and may
29 approve training programs from other providers. To retain approval as an
30 APS social worker, a social worker shall receive annual continuing
31 education as determined by the department. The department may adopt and

1 promulgate rules and regulations to carry out this section.

2 **Sec. 3.** (1) Each law enforcement agency shall require its dispatch
3 personnel to screen calls using a checklist or questionnaire designed to
4 identify calls involving an individual with a history of mental illness
5 or with mental health concerns. This should include obtaining information
6 regarding at least the following regarding any individual involved in the
7 call:

8 (a) Whether the individual has threatened self-harm or to harm
9 others;

10 (b) Indications of disorientation, hallucinations, or paranoia; and

11 (c) Whether the caller is aware of any history of mental illness of
12 such individual.

13 (2) Each law enforcement agency shall flag a call involving an
14 individual with a history of mental illness or with mental health
15 concerns as a "Mental Health Priority" and use a designated code to refer
16 to such calls. Upon identifying a call as a Mental Health Priority, the
17 dispatcher shall notify the nearest unit that can be accompanied by an
18 APS social worker and notify such social worker. The dispatcher shall
19 share any information relating to mental health issues with all
20 responders to the call.

21 **Sec. 4.** Unless it would not be safe or reasonably practicable under
22 the circumstances, whenever a law enforcement officer is responding to a
23 call involving an individual with a history of mental illness or mental
24 health concerns:

25 (1) The law enforcement officer shall be accompanied by an APS
26 social worker; and

27 (2) The APS social worker shall take the lead in the interaction
28 with such individual and use de-escalation measures and trauma-informed
29 care that will reduce the potential for violence or harm.

30 **Sec. 5.** (1) Each law enforcement agency in this state shall adopt
31 and provide a copy to the commission of a written policy on the

1 dispatching of APS social workers with law enforcement officers as
2 provided in sections 3 and 4 of this act. The commission shall establish
3 minimum standards for such policies.

4 (2) The commission may develop and distribute a suggested model
5 written policy for use by law enforcement agencies, but the commission
6 shall not mandate the adoption of the model policy except for any
7 particular law enforcement agency which fails to timely create and
8 provide to the commission a policy for the agency in conformance with the
9 commission's minimum standards.

10 (3) The commission shall, within the limits of its existing
11 appropriations, including any grant funds which the commission is awarded
12 for such purpose, provide for an annual review and analysis of law
13 enforcement agencies' compliance with sections 3 and 4 of this act. The
14 commission may make recommendations to any law enforcement agency for the
15 purpose of improving such compliance. The commission shall annually
16 report the results of such review and analysis and any recommendations to
17 the Governor and the Legislature. The report submitted to the Legislature
18 shall be submitted electronically.

19 **Sec. 6.** If the commission determines that a law enforcement agency
20 has a pattern or practice of failing to comply with sections 3 or 4 of
21 this act or has failed to comply with section 5 of this act, such agency
22 shall be ineligible to receive loans, grants, funds, or donations
23 administered by the commission until the commission determines that such
24 failure has been corrected.

25 **Sec. 7.** Section 81-1403, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 81-1403 Subject to review and approval by the commission, the
28 council shall:

29 (1) Adopt and promulgate rules and regulations for law enforcement
30 pre-certification, certification, continuing education, and training
31 requirements. Such rules and regulations may include the authority to

1 impose a fine on any individual, political subdivision, or agency who or
2 which violates sections 81-1401 to 81-1414.19 or any rules and
3 regulations adopted and promulgated thereunder. The fine for each
4 separate violation of such sections or of any such rule or regulation
5 shall not exceed either (a) a one-time maximum fine of five hundred
6 dollars or (b) a maximum fine of one hundred dollars per day until the
7 individual, political subdivision, or agency complies with such rules or
8 regulations;

9 (2) Adopt and promulgate rules and regulations for the operation of
10 the training center;

11 (3) Recommend to the executive director of the commission the names
12 of persons to be appointed to the position of director of the training
13 center;

14 (4) Establish requirements for satisfactory completion of pre-
15 certification programs, certification programs, and advanced training
16 programs;

17 (5) Issue certificates or diplomas attesting satisfactory completion
18 of pre-certification programs, certification programs, and advanced
19 training programs;

20 (6) Revoke or suspend such certificates or diplomas according to
21 rules and regulations adopted and promulgated by the council pursuant to
22 sections 81-1401 to 81-1414.19 for reasons which shall include, but not
23 be limited to:

24 (a) Final conviction of or pleading guilty or nolo contendere to a:

25 (i) Felony violation of state or federal law;

26 (ii) Misdemeanor crime of domestic violence; or

27 (iii) Misdemeanor violation of state or federal law, if the
28 violation has a rational connection with the officer's fitness or
29 capacity to serve as a law enforcement officer;

30 (b) Serious misconduct; ~~or~~

31 (c) A violation of the officer's oath of office, code of ethics, or

1 statutory duties; or

2 (d) Willful failure to comply with section 4 of this act.

3 (7) The council shall adopt and promulgate rules and regulations
4 that:

5 (a) Provide for the revocation of a certificate or diploma without a
6 hearing upon the certificate or diploma holder's final conviction of or
7 pleading guilty or nolo contendere to a felony or misdemeanor described
8 in subdivision (6) of this section; and

9 (b) Include a procedure for hearing appeals of any person who feels
10 that the revocation or suspension of his or her certificate or diploma
11 was in error;

12 (8) Set the tuition and fees for the training center and all
13 officers of other training academies not employed by that training
14 academy's agency. The tuition and fees set for the training center
15 pursuant to this subdivision shall be adjusted annually pursuant to the
16 training center budget approved by the Legislature. All other tuition and
17 fees shall be set in order to cover the costs of administering sections
18 81-1401 to 81-1414.19. All tuition and fees shall be remitted to the
19 State Treasurer for credit to the Nebraska Law Enforcement Training
20 Center Cash Fund;

21 (9) Annually certify any training academies providing a basic course
22 of law enforcement training which complies with the qualifications and
23 standards promulgated by the council and offering training that meets or
24 exceeds training that is offered by the training center. The council
25 shall set the maximum and minimum applicant enrollment figures for
26 training academies training non-agency officers;

27 (10) Extend the programs of the training center throughout the state
28 on a regional basis;

29 (11) Establish the qualifications, standards, and continuing
30 education requirements and provide the training required by section
31 81-1439; and

1 (12) Do all things necessary to carry out the purpose of the
2 training center, except that functional authority for budget and
3 personnel matters shall remain with the commission.

4 Any administrative fine imposed under this section shall constitute
5 a debt to the State of Nebraska which may be collected by lien
6 foreclosure or sued for and recovered in any proper form of action by the
7 office of the Attorney General in the name of the State of Nebraska in
8 the district court of the county where the final agency action was taken.
9 All fines imposed by the council shall be remitted to the State Treasurer
10 for distribution in accordance with Article VII, section 5, of the
11 Constitution of Nebraska.

12 **Sec. 8.** Original section 81-1403, Reissue Revised Statutes of
13 Nebraska, is repealed.