

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1288**

FINAL READING

Introduced by Raybould, 28; Conrad, 46; Day, 49.

Read first time January 16, 2024

Committee: Judiciary

1 A BILL FOR AN ACT relating to tribal matters; to amend sections  
2 53-167.02, 53-180.06, 69-2404, 69-2430, 71-901, 71-902, 71-903,  
3 71-910, 71-912, 71-919, 71-920, 71-926, 71-929, 71-936, 71-937,  
4 71-939, 71-958, 71-961, 71-1201, 71-1203, 71-1204, 71-1206, 71-1210,  
5 71-1213, 71-1220, 71-1221, and 71-1223, Reissue Revised Statutes of  
6 Nebraska, section 83-338, Revised Statutes Cumulative Supplement,  
7 2022, and section 28-1202.03, Revised Statutes Supplement, 2023; to  
8 allow the use of tribal enrollment cards for proof of age and  
9 identity for certain firearm and alcohol laws; to provide for  
10 recognition of tribal mental health and dangerous sex offender  
11 commitment orders as prescribed; to provide for tribal law  
12 enforcement officers to take a subject into emergency protective  
13 custody; to provide for transportation of and commitment of persons  
14 committed under tribal law and for payment of related costs; to  
15 define and redefine terms; to eliminate obsolete provisions; to  
16 harmonize provisions; to provide operative dates; and to repeal the  
17 original sections.

18 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1202.03, Revised Statutes Supplement, 2023, is  
2 amended to read:

3 28-1202.03 (1)(a) This section applies to a person who is not  
4 otherwise prohibited by state law from possessing or carrying a concealed  
5 handgun.

6 (b) This section does not apply to a qualified law enforcement  
7 officer or qualified retired law enforcement officer carrying a concealed  
8 handgun pursuant to 18 U.S.C. 926B or 926C, respectively, as such  
9 sections existed on January 1, 2023.

10 (2) Except as provided in subsection (3) of this section, any time a  
11 person is carrying a concealed handgun, such person shall also carry such  
12 person's identification document. The person shall display the  
13 identification document when asked to do so by a peace officer or by  
14 emergency services personnel.

15 (3) A person is not required to comply with this section if:

16 (a) Such person is storing or transporting a handgun in a motor  
17 vehicle for any lawful purpose or transporting a handgun directly to or  
18 from a motor vehicle to or from any place where such handgun may be  
19 lawfully possessed or carried by such person; ~~and~~

20 (b) Such handgun is unloaded, kept separate from ammunition, and  
21 enclosed in a case.

22 (4) For purposes of this section:

23 (a) Emergency services personnel means a volunteer or paid  
24 firefighter or rescue squad member or a person licensed to provide  
25 emergency medical services pursuant to the Emergency Medical Services  
26 Practice Act or authorized to provide emergency medical services pursuant  
27 to the EMS Personnel Licensure Interstate Compact; and

28 (b) Identification document means a valid:

29 (i) Driver's or operator's license;

30 (ii) State identification card;

31 (iii) Military identification card;

1 (iv) Alien registration card;~~or~~

2 (v) Passport; or -

3 (vi) Tribal enrollment card; and

4 (c) Tribal enrollment card means an identification document:

5 (i) Issued by a tribe which is recognized by a state or the federal  
6 government; and

7 (ii) Which contains a photograph of the person identified and such  
8 person's date of birth.

9 (5) A violation of this section is a Class III misdemeanor for a  
10 first offense and a Class I misdemeanor for any second or subsequent  
11 offense.

12 Sec. 2. Section 53-167.02, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 53-167.02 (1) When any person licensed to sell alcoholic liquor at  
15 retail sells alcohol for consumption off the premises in a container with  
16 a liquid capacity of five or more gallons or eighteen and ninety-two  
17 hundredths or more liters, the seller shall record the date of the sale,  
18 the keg identification number, the purchaser's name and address, and the  
19 number of the purchaser's motor vehicle operator's license, state  
20 identification card, tribal enrollment card as defined in section  
21 28-1202.03, or military identification, if such military identification  
22 contains a picture of the purchaser, together with the purchaser's  
23 signature. Such record shall be on a form prescribed by the commission  
24 and shall be kept by the licensee at the retail establishment where the  
25 purchase was made for not less than six months.

26 (2) The commission shall adopt and promulgate rules and regulations  
27 which require the licensee to place a label on the alcohol container,  
28 which label shall at least contain a keg identification number and shall  
29 be on a form prescribed by the commission. Such label shall be placed on  
30 the keg at the time of retail sale. The licensee shall purchase the forms  
31 referred to in this section from the commission. The cost incurred to

1 produce and distribute such forms shall be reasonable and shall not  
2 exceed the reasonable and necessary costs of producing and distributing  
3 the forms. Any money collected by the commission relating to the sale of  
4 such forms shall be credited to the Nebraska Liquor Control Commission  
5 Rule and Regulation Cash Fund.

6 (3) The keg identification number for each container shall be  
7 registered with the commission. The records kept pursuant to this section  
8 shall be available for inspection by any law enforcement officer during  
9 normal business hours or at any other reasonable time. Any person  
10 violating this section shall, upon conviction, be guilty of a Class III  
11 misdemeanor.

12 Sec. 3. Section 53-180.06, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 53-180.06 (1) To establish proof of age for the purpose of  
15 purchasing or consuming alcoholic liquor, a person shall present or  
16 display only a valid driver's or operator's license, state identification  
17 card, military identification card, alien registration card, ~~or~~ passport,  
18 or tribal enrollment card as defined in section 28-1202.03.

19 (2) Every holder of a retail license may maintain, in a separate  
20 book, a record of each person who has furnished documentary proof of age  
21 for the purpose of making any purchase of alcoholic liquor. The record  
22 shall show the name and address of the purchaser, the date of the  
23 purchase, and a description of the identification used and shall be  
24 signed by the purchaser.

25 Sec. 4. Section 69-2404, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 69-2404 Any person desiring to purchase, lease, rent, or receive  
28 transfer of a handgun shall apply with the chief of police or sheriff of  
29 the applicant's place of residence for a certificate. The application may  
30 be made in person or by mail. The application form and certificate shall  
31 be made on forms approved by the Superintendent of Law Enforcement and

1 Public Safety. The application shall include the applicant's full name,  
2 address, date of birth, and country of citizenship. If the applicant is  
3 not a United States citizen, the application shall include the  
4 applicant's place of birth and his or her alien or admission number. If  
5 the application is made in person, the applicant shall also present a  
6 current Nebraska motor vehicle operator's license, state identification  
7 card, or military identification card, or tribal enrollment card as  
8 defined in section 28-1202.03. If ~~or~~ if the application is made by mail,  
9 the application form shall describe the license or card used for  
10 identification and be notarized by a notary public who has verified the  
11 identification of the applicant through such a license or card. An  
12 applicant shall receive a certificate if he or she is twenty-one years of  
13 age or older and is not prohibited from purchasing or possessing a  
14 handgun by 18 U.S.C. 922. A fee of five dollars shall be charged for each  
15 application for a certificate to cover the cost of a criminal history  
16 record check.

17 Sec. 5. Section 69-2430, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 69-2430 (1) Application for a permit to carry a concealed handgun  
20 shall be made in person at any Nebraska State Patrol Troop Headquarters  
21 or office provided by the patrol for purposes of accepting such an  
22 application. The applicant shall present a current Nebraska motor vehicle  
23 operator's license, Nebraska-issued state identification card, ~~or~~  
24 military identification card, or tribal enrollment card as defined in  
25 section 28-1202.03 and shall submit two legible sets of fingerprints for  
26 a criminal history record information check pursuant to section 69-2431.  
27 The application shall be made on a form prescribed by the Superintendent  
28 of Law Enforcement and Public Safety. The application shall state the  
29 applicant's full name; ~~τ~~ motor vehicle operator's license number, ~~τ~~ ~~or~~  
30 state identification card number, or tribal enrollment card number;  
31 address; ~~τ~~ and date of birth and contain the applicant's signature and

1 shall include space for the applicant to affirm that he or she meets each  
2 and every one of the requirements set forth in section 69-2433. The  
3 applicant shall attach to the application proof of training and proof of  
4 vision as required in subdivision (3) of section 69-2433.

5 (2) A person applying for a permit to carry a concealed handgun who  
6 gives false information or offers false evidence of his or her identity  
7 is guilty of a Class IV felony.

8 ~~(3)(a) Until January 1, 2010, the permit to carry a concealed~~  
9 ~~handgun shall be issued by the Nebraska State Patrol within five business~~  
10 ~~days after completion of the applicant's criminal history record~~  
11 ~~information check, if the applicant has complied with this section and~~  
12 ~~has met all the requirements of section 69-2433.~~

13 ~~(3) The (b) Beginning January 1, 2010, the permit to carry a~~  
14 ~~concealed handgun shall be issued by the Nebraska State Patrol within~~  
15 ~~forty-five days after the date an application for the permit has been~~  
16 ~~made by the applicant if the applicant has complied with this section and~~  
17 ~~has met all the requirements of section 69-2433.~~

18 (4) An applicant denied a permit to carry a concealed handgun may  
19 appeal to the district court of the judicial district of the county in  
20 which he or she resides or the county in which he or she applied for the  
21 permit pursuant to the Administrative Procedure Act.

22 Sec. 6. Section 71-901, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 71-901 Sections 71-901 to 71-963 and sections 9, 12, 13, and 15 of  
25 this act shall be known and may be cited as the Nebraska Mental Health  
26 Commitment Act.

27 Sec. 7. Section 71-902, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 71-902 The purpose of the Nebraska Mental Health Commitment Act is  
30 to provide for the treatment of persons who are mentally ill and  
31 dangerous. It is the public policy of the State of Nebraska that mentally

1 ill and dangerous persons be encouraged to obtain voluntary treatment. If  
2 voluntary treatment is not obtained, such persons shall be subject to  
3 involuntary custody and treatment only after mental health board  
4 proceedings as provided by the Nebraska Mental Health Commitment Act or  
5 upon the order of a tribal court. Such persons shall be subjected to  
6 emergency protective custody under limited conditions and for a limited  
7 period of time.

8 Sec. 8. Section 71-903, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 71-903 For purposes of the Nebraska Mental Health Commitment Act,  
11 unless the context otherwise requires, the definitions found in sections  
12 71-904 to 71-914 and sections 9, 12, and 13 of this act shall apply.

13 Sec. 9. Indian country has the same meaning as in 18 U.S.C. 1151,  
14 as such section existed on January 1, 2024.

15 Sec. 10. Section 71-910, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 71-910 (1) Peace officer or law enforcement officer means a  
18 sheriff, a jailer, a marshal, a police officer, or an officer of the  
19 Nebraska State Patrol.

20 (2) Peace officer or law enforcement officer includes a member of a  
21 tribal police department or federal law enforcement officer duly  
22 authorized to assert law enforcement powers by a tribe in the State of  
23 Nebraska.

24 Sec. 11. Section 71-912, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 71-912 (1) Subject means any person concerning whom a certificate  
27 or petition has been filed under the Nebraska Mental Health Commitment  
28 Act. Subject does not include any person under eighteen years of age  
29 unless such person is an emancipated minor.

30 (2) Subject also includes a person who is a member of a tribe or  
31 eligible for membership in a tribe, who is domiciled within Indian

1 country in Nebraska, and concerning whom mental health involuntary  
2 commitment or emergency protective custody proceedings have been  
3 initiated under tribal law.

4 Sec. 12. Tribe or tribal means an Indian tribe or band which is  
5 located in whole or in part within Nebraska and which is recognized by  
6 federal law or formally acknowledged by the state.

7 Sec. 13. Tribal court means a court or tribunal authorized by a  
8 tribe to adjudicate legal disputes and carry out the administration of  
9 justice in accordance with tribal law.

10 Sec. 14. Section 71-919, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 71-919 (1)(a) (1) A law enforcement officer who has probable cause  
13 to believe that a person is mentally ill and dangerous or a dangerous sex  
14 offender and that the harm described in section 71-908 or subdivision (1)  
15 of section 83-174.01 is likely to occur before mental health board  
16 proceedings under the Nebraska Mental Health Commitment Act or the Sex  
17 Offender Commitment Act may be initiated to obtain custody of the person  
18 may take a such person into emergency protective custody, cause him or  
19 her to be taken into emergency protective custody, or continue his or her  
20 custody if he or she is already in custody if the officer has probable  
21 cause to believe: -

22 (i) Such person is mentally ill and dangerous or a dangerous sex  
23 offender and that the harm described in section 71-908 or subdivision (1)  
24 of section 83-174.01 is likely to occur before mental health board  
25 proceedings under the Nebraska Mental Health Commitment Act or the Sex  
26 Offender Commitment Act may be initiated to obtain custody of the person;  
27 or

28 (ii) For a person domiciled within Indian country in Nebraska, that  
29 such person is mentally ill and dangerous or a dangerous sex offender  
30 under tribal law and that harm comparable to that described in section  
31 71-908 or subdivision (1) of section 83-174.01 or the equivalent under

1 tribal law is likely to occur before mental health proceedings under  
2 tribal law may be initiated to obtain custody of the person.

3 (b) Such person shall be admitted to an appropriate and available  
4 medical facility, jail, or Department of Correctional Services facility  
5 as provided in subsection (2) of this section.

6 (c)(i) Except as provided in subdivision (1)(c)(ii) of this section,  
7 each ~~Each~~ county shall make arrangements with appropriate facilities  
8 inside or outside the county for such purpose and shall pay the cost of  
9 the emergency protective custody of persons from such county in such  
10 facilities.

11 (ii) For a subject domiciled within Indian country in Nebraska for  
12 whom emergency protective custody is initiated under tribal law, the  
13 tribe shall make arrangements with appropriate facilities inside or  
14 outside the tribe for such purpose and shall make arrangements for  
15 payment of the cost of the emergency protective custody of persons from  
16 such tribe in such facilities.

17 (d) A mental health professional who has probable cause to believe  
18 that a person is mentally ill and dangerous or a dangerous sex offender  
19 may cause such person to be taken into custody and shall have a limited  
20 privilege to hold such person until a law enforcement officer or other  
21 authorized person arrives to take custody of such person.

22 (2)(a) A person taken into emergency protective custody under this  
23 section shall be admitted to an appropriate and available medical  
24 facility unless such person has a prior conviction for a sex offense  
25 listed in section 29-4003.

26 (b) A person taken into emergency protective custody under this  
27 section who has a prior conviction for a sex offense listed in section  
28 29-4003 shall be admitted to a jail or Department of Correctional  
29 Services facility unless a medical or psychiatric emergency exists for  
30 which treatment at a medical facility is required. The person in  
31 emergency protective custody shall remain at the medical facility until

1 the medical or psychiatric emergency has passed and it is safe to  
2 transport such person, at which time the person shall be transferred to  
3 an available jail or Department of Correctional Services facility.

4 (3)(a) Except as provided in subdivision (3)(b) of this section,  
5 upon (3) Upon admission to a facility of a person taken into emergency  
6 protective custody by a law enforcement officer under this section, such  
7 officer shall execute a written certificate prescribed and provided by  
8 the Department of Health and Human Services. The certificate shall allege  
9 the officer's belief that the person in custody is mentally ill and  
10 dangerous or a dangerous sex offender and shall contain a summary of the  
11 person's behavior supporting such allegations. A copy of such certificate  
12 shall be immediately forwarded to the county attorney.

13 (b) In the case of a subject domiciled within Indian country who is  
14 taken into emergency protective custody by a law enforcement officer  
15 under tribal law, upon admission to a facility, such officer shall  
16 execute written documentation in a format provided by the tribe. At a  
17 minimum, such documentation shall clearly identify the subject, identify  
18 the relevant tribe, allege the officer's belief that the person in  
19 custody is mentally ill and dangerous or a dangerous sex offender under  
20 tribal law, and contain a summary of the subject's behavior supporting  
21 such allegations. A copy of such documentation shall be immediately  
22 forwarded to the appropriate tribal prosecutor or tribal official.

23 (4) The administrator of the facility shall have such person  
24 evaluated by a mental health professional as soon as reasonably possible  
25 but not later than thirty-six hours after admission. The mental health  
26 professional shall not be the mental health professional who causes such  
27 person to be taken into custody under this section and shall not be a  
28 member or alternate member of the mental health board that will preside  
29 over any hearing under the Nebraska Mental Health Commitment Act or the  
30 Sex Offender Commitment Act with respect to such person. A person shall  
31 be released from emergency protective custody after completion of such

1 evaluation unless the mental health professional determines, in his or  
2 her clinical opinion, that such person is mentally ill and dangerous or a  
3 dangerous sex offender. In the case of a subject domiciled within Indian  
4 country who is taken into emergency protective custody under tribal law,  
5 the mental health professional shall notify an appropriate tribal  
6 prosecutor or official of such release.

7       Sec. 15. (1) With respect to a subject domiciled in Indian country,  
8 the State of Nebraska recognizes tribal hold orders, commitment orders,  
9 and emergency protective custody orders to the same extent as those  
10 initiated by any county in the state or as otherwise provided in the  
11 Nebraska Mental Health Commitment Act. This recognition applies only for  
12 purposes of treatment of the subject's mental illness or substance  
13 dependence, including, but not limited to, commitment to and acceptance  
14 for treatment at a regional center or any other treatment facility.

15       (2) If a tribal court finds that a subject domiciled within Indian  
16 country is mentally ill and dangerous pursuant to tribal law, such tribal  
17 court may order the subject committed to a treatment facility. Such order  
18 shall conform to subsection (3) of this section.

19       (3) The tribal court shall issue a warrant authorizing the  
20 administrator of such treatment facility to receive and keep the subject  
21 as a patient. The warrant shall state the findings of the tribal court  
22 and the legal settlement of the subject, if known, or any available  
23 information relating thereto. Such warrant shall shield every official  
24 and employee of the treatment facility against all liability to  
25 prosecution of any kind on account of the reception and detention of the  
26 subject if the detention is otherwise in accordance with law and policies  
27 of the treatment facility.

28       (4) In the case of a subject domiciled within Indian country in  
29 Nebraska who is committed for treatment under tribal law as provided in  
30 this section, the tribe shall make arrangements for payment of the cost  
31 of such treatment services.

1           (5) This section and the changes made to the Nebraska Mental Health  
2 Commitment Act by this legislative bill shall not be construed to affect  
3 the jurisdiction of tribal courts or to regulate internal proceedings of  
4 tribes or matters of tribal law. The purpose of this section and such  
5 changes is to facilitate the treatment and placement of subjects  
6 domiciled in Indian country in treatment facilities not operated by  
7 tribes.

8           Sec. 16. Section 71-920, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10           71-920 (1) Except as provided in subsection (3) of this section, a A  
11 mental health professional who, upon evaluation of a person admitted for  
12 emergency protective custody under section 71-919, determines that such  
13 person is mentally ill and dangerous shall execute a written certificate  
14 as provided in subsection (2) of this section not later than twenty-four  
15 hours after the completion of such evaluation. A copy of such certificate  
16 shall be immediately forwarded to the county attorney.

17           (2) The certificate shall be in writing and shall include the  
18 following information:

19           (a) The subject's name and address, if known;

20           (b) The name and address of the subject's spouse, legal counsel,  
21 guardian or conservator, and next-of-kin, if known;

22           (c) The name and address of anyone providing psychiatric or other  
23 care or treatment to the subject, if known;

24           (d) The name and address of any other person who may have knowledge  
25 of the subject's mental illness or substance dependence who may be called  
26 as a witness at a mental health board hearing with respect to the  
27 subject, if known;

28           (e) The name and address of the medical facility in which the  
29 subject is being held for emergency protective custody and evaluation;

30           (f) The name and work address of the certifying mental health  
31 professional;

1 (g) A statement by the certifying mental health professional that he  
2 or she has evaluated the subject since the subject was admitted for  
3 emergency protective custody and evaluation; and

4 (h) A statement by the certifying mental health professional that,  
5 in his or her clinical opinion, the subject is mentally ill and dangerous  
6 and the clinical basis for such opinion.

7 (3) In the case of a subject domiciled within Indian country who is  
8 taken into emergency protective custody by a law enforcement officer  
9 under tribal law, a mental health professional who, upon evaluation of  
10 such person, determines that such person is mentally ill and dangerous  
11 shall execute appropriate written documentation in a format provided by  
12 the tribe not later than twenty-four hours after the completion of such  
13 evaluation. A copy of such certificate shall be immediately forwarded to  
14 the person designated by the tribe.

15 Sec. 17. Section 71-926, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 71-926 (1) At the conclusion of a mental health board hearing under  
18 section 71-924 and prior to the entry of a treatment order by the board  
19 under section 71-925, the board may (a) order that the subject be  
20 retained in custody until the entry of such order and the subject may be  
21 admitted for treatment pursuant to such order or (b) order the subject  
22 released from custody under such conditions as the board deems necessary  
23 and appropriate to prevent the harm described in section 71-908 and to  
24 assure the subject's appearance at a later disposition hearing by the  
25 board. A subject shall be retained in custody under this section at the  
26 nearest appropriate and available medical facility and shall not be  
27 placed in a jail. Each county shall make arrangements with appropriate  
28 medical facilities inside or outside the county for such purpose and  
29 shall pay the cost of the emergency protective custody of persons from  
30 such county in such facilities.

31 (2) A subject who has been ordered to receive inpatient or

1 outpatient treatment by a mental health board may be provided treatment  
2 while being retained in emergency protective custody and pending  
3 admission of the subject for treatment pursuant to such order.

4 (3)(a) In the case of a subject domiciled within Indian country who  
5 is taken into emergency protective custody by a law enforcement officer  
6 under tribal law, at the conclusion of a mental health hearing under  
7 tribal law and prior to entry of a treatment order by the tribal court,  
8 the tribal court may order that the subject be:

9 (i) Retained in custody until entry of such order and the subject  
10 may be admitted for treatment pursuant to such order; or

11 (ii) Released from custody under such conditions as the tribal court  
12 deems necessary and appropriate to prevent harm comparable to that  
13 described in section 71-908 or the equivalent under tribal law and to  
14 assure the subject's appearance at a later disposition hearing. A subject  
15 shall be retained in custody under this section at the nearest  
16 appropriate and available medical facility and shall not be placed in a  
17 jail.

18 (b) Each tribe shall make arrangements with appropriate medical  
19 facilities inside or outside the tribe for such purpose and shall make  
20 arrangements for payment of the cost of the emergency protective custody  
21 of persons from such tribe in such facilities.

22 (c) A subject who has been ordered to receive inpatient or  
23 outpatient treatment pursuant to tribal law may be provided treatment  
24 while being retained in emergency protective custody and pending  
25 admission of the subject for treatment pursuant to such order.

26 Sec. 18. Section 71-929, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 71-929 (1) If a mental health board issues a warrant for the  
29 admission or return of a subject to a treatment facility and funds to pay  
30 the expenses thereof are needed in advance, the board shall estimate the  
31 probable expense of conveying the subject to the treatment facility,

1 including the cost of any assistance that might be required, and shall  
2 submit such estimate to the county clerk of the county in which such  
3 person is located. The county clerk shall certify the estimate and shall  
4 issue an order on the county treasurer in favor of the sheriff or other  
5 person entrusted with the execution of the warrant.

6 (2) The sheriff or other person executing the warrant shall include  
7 in his or her return a statement of expenses actually incurred, including  
8 any excess or deficiency. Any excess from the amount advanced for such  
9 expenses under subsection (1) of this section shall be paid to the county  
10 treasurer, taking his or her receipt therefor, and any deficiency shall  
11 be obtained by filing a claim with the county board. If no funds are  
12 advanced, the expenses shall be certified on the warrant and paid when  
13 returned.

14 (3) The sheriff shall be reimbursed for mileage at the rate provided  
15 in section 33-117 for conveying a subject to a treatment facility under  
16 this section. For other services performed under the Nebraska Mental  
17 Health Commitment Act, the sheriff shall receive the same fees as for  
18 like services in other cases.

19 (4) Except as provided in subsection (5) of this section, all All  
20 compensation and expenses provided for in this section shall be allowed  
21 and paid out of the treasury of the county by the county board.

22 (5)(a) In the case of a subject domiciled within Indian country who  
23 is taken into emergency protective custody under tribal law, sheriffs and  
24 other law enforcement officers of the State of Nebraska and its political  
25 subdivisions may transport such a subject to a treatment facility,  
26 whether inside or outside of Indian country.

27 (b) The sheriff or other law enforcement agency may enter into a  
28 contract with a tribe for reimbursement for:

29 (i) Reasonable costs incurred in conveying a subject to a treatment  
30 facility under this subsection; and

31 (ii) Other services performed for a tribe under the Nebraska Mental

1 Health Commitment Act or under the equivalent law of the tribe at a rate  
2 comparable to the rate for such services in other cases.

3       Sec. 19. Section 71-936, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5       71-936 When the administrator of any regional center or treatment  
6 facility for the treatment of persons who are mentally ill or substance  
7 dependent determines that any involuntary patient in such facility may be  
8 safely and properly discharged or placed on convalescent leave, the  
9 administrator of such regional center or treatment facility shall  
10 immediately notify the mental health board of the judicial district from  
11 which such patient was committed. In the case of a subject who is  
12 domiciled in Indian country and committed for treatment as provided in  
13 section 15 of this act, such administrator shall immediately notify the  
14 tribal court from which such patient was committed.

15       Sec. 20. Section 71-937, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17       71-937 (1) A mental health board shall be notified in writing of  
18 the release by the treatment facility of any individual committed by the  
19 mental health board. Such notice shall immediately be forwarded to the  
20 county attorney. The mental health board shall, upon the motion of the  
21 county attorney, or may upon its own motion, conduct a hearing to  
22 determine whether the individual is mentally ill and dangerous and  
23 consequently not a proper subject for release. Such hearing shall be  
24 conducted in accordance with the procedures established for hearings  
25 under the Nebraska Mental Health Commitment Act. The subject of such  
26 hearing shall be accorded all rights guaranteed to the subject of a  
27 petition under the act.

28       (2) In the case of a subject who is domiciled in Indian country and  
29 committed for treatment as provided in section 15 of this act, the tribal  
30 court shall be notified in writing of the release by the treatment  
31 facility of any such subject committed by the tribal court.

1           Sec. 21. Section 71-939, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           71-939 (1)(a) When any person receiving treatment at a treatment  
4 facility or program for persons with mental illness or substance  
5 dependence pursuant to an order of a court or mental health board is  
6 absent without authorization from such treatment facility or program, the  
7 administrator or program director of such treatment facility or program  
8 shall immediately notify the Nebraska State Patrol and the court or clerk  
9 of the mental health board of the judicial district from which such  
10 person was committed. ~~The notification shall include the person's name  
11 and description and a determination by a psychiatrist, clinical director,  
12 administrator, or program director as to whether the person is believed  
13 to be currently dangerous to others.~~

14           (b) The clerk shall issue the warrant of the board directed to the  
15 sheriff of the county for the arrest and detention of such person. Such  
16 warrant may be executed by the sheriff or any other peace officer.

17           (2)(a) When any person receiving treatment at a treatment facility  
18 or program for persons with mental illness or substance dependence  
19 pursuant to an order of a tribal court as provided in section 15 of this  
20 act is absent without authorization from such treatment facility or  
21 program, the administrator or program director of such treatment facility  
22 or program shall immediately notify the Nebraska State Patrol and the  
23 appropriate tribal prosecutor or official.

24           (b) The appropriate tribal official may issue a warrant directed to  
25 a peace officer or sheriff of any county for the arrest and detention of  
26 such person. Such warrant may be executed by the sheriff or any other  
27 peace officer.

28           (3) The notification required by subdivision (1)(a) or (2)(a) of  
29 this section shall include the person's name and description and a  
30 determination by a psychiatrist, clinical director, administrator, or  
31 program director as to whether the person is believed to be currently

1 dangerous to others.

2 (4) Pending the issuance of such the warrant ~~of the mental health~~  
3 ~~board~~, any peace officer may seize and detain such person when the peace  
4 officer has probable cause to believe that the person is reported to be  
5 absent without authorization as described in this section. Such person  
6 shall be returned to the treatment facility or program or shall be taken  
7 to a facility as described in section 71-919 until he or she can be  
8 returned to such treatment facility or program.

9 Sec. 22. Section 71-958, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 71-958 Any qualified mental health professional, upon being  
12 authorized by the administrator of the treatment facility having custody  
13 of the subject, may provide appropriate medical treatment for the subject  
14 while in custody, except that a subject shall not be subjected to such  
15 quantities of medication or other treatment within such period of time  
16 prior to any hearing held under the Nebraska Mental Health Commitment Act  
17 or the Sex Offender Commitment Act or, for a subject who is domiciled in  
18 Indian country and committed for treatment as provided in section 15 of  
19 this act, a hearing held under the equivalent tribal law, as will  
20 substantially impair his or her ability to assist in his or her defense  
21 at such hearing.

22 Sec. 23. Section 71-961, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 71-961 (1) All records kept on any subject shall remain confidential  
25 except as otherwise provided by law. Such records shall be accessible to  
26 (a) the subject, except as otherwise provided in subsection (2) of this  
27 section, (b) the subject's legal counsel, (c) the subject's guardian or  
28 conservator, if any, (d) the mental health board having jurisdiction over  
29 the subject, (e) persons authorized by an order of a judge or court, (f)  
30 persons authorized by written permission of the subject, (g) agents or  
31 employees of the Department of Health and Human Services upon delivery of

1 a subpoena from the department in connection with a licensing or  
2 licensure investigation by the department, (h) individuals authorized to  
3 receive notice of the release of a sex offender pursuant to section  
4 83-174, (i) the Nebraska State Patrol or the department pursuant to  
5 section 69-2409.01, ~~or~~ (j) the Division of Parole Supervision if the  
6 subject meets the requirements for lifetime community supervision  
7 pursuant to section 83-174.03, and (k) any tribal court having  
8 jurisdiction over a subject who is domiciled in Indian country and  
9 committed for treatment as provided in section 15 of this act.

10 (2) Upon application by the county attorney or by the administrator  
11 of the treatment facility where the subject is in custody and upon a  
12 showing of good cause therefor, a judge of the district court of the  
13 county where the mental health board proceedings were held or of the  
14 county where the treatment facility is located may order that the records  
15 not be made available to the subject if, in the judgment of the court,  
16 the availability of such records to the subject will adversely affect his  
17 or her mental illness or personality disorder and the treatment thereof.

18 (3) When a subject is absent without authorization from a treatment  
19 facility or program described in section 71-939 or 71-1223 and is  
20 considered to be dangerous to others, the subject's name and description  
21 and a statement that the subject is believed to be considered dangerous  
22 to others may be disclosed in order to aid in the subject's apprehension  
23 and to warn the public of such danger.

24 Sec. 24. Section 71-1201, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 71-1201 Sections 71-1201 to 71-1226 and section 26 of this act shall  
27 be known and may be cited as the Sex Offender Commitment Act.

28 Sec. 25. Section 71-1203, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 71-1203 For purposes of the Sex Offender Commitment Act:

31 (1) The definitions found in sections 71-905, 71-906, 71-907,

1 71-910, 71-911, and 83-174.01 and sections 9, 12, and 13 of this act  
2 apply;

3 (2) Administrator means the administrator or other chief  
4 administrative officer of a treatment facility or his or her designee;

5 (3) Outpatient treatment means treatment ordered by a mental health  
6 board directing a subject to comply with specified outpatient treatment  
7 requirements, including, but not limited to, (a) taking prescribed  
8 medication, (b) reporting to a mental health professional or treatment  
9 facility for treatment or for monitoring of the subject's condition, or  
10 (c) participating in individual or group therapy or educational,  
11 rehabilitation, residential, or vocational programs;

12 (4)(a) (4) Subject means any person concerning whom (i) (a) a  
13 certificate has been filed under section 71-1204, (ii) (b) a certificate  
14 has been filed under section 71-919 and such person is held pursuant to  
15 subdivision (2)(b) of section 71-919, or (iii) (c) a petition has been  
16 filed under the Sex Offender Commitment Act.

17 (b) Subject also includes a person who is a member of a tribe or  
18 eligible for membership in a tribe, who is domiciled within Indian  
19 country in Nebraska, and concerning whom sex offender involuntary  
20 commitment or emergency protective custody proceedings have been  
21 initiated under tribal law. Subject does not include any person under  
22 eighteen years of age unless such person is an emancipated minor; and

23 (5) Treatment facility means a facility which provides services for  
24 persons who are dangerous sex offenders.

25 Sec. 26. (1) With respect to a subject domiciled in Indian country,  
26 the State of Nebraska recognizes tribal hold orders, commitment orders,  
27 and emergency protective custody orders to the same extent as those  
28 initiated by any county in the state or as otherwise provided in the Sex  
29 Offender Commitment Act. This recognition applies only for purposes of  
30 treatment of the subject's mental illness, including, but not limited to,  
31 commitment to and acceptance for treatment at a regional center or any

1 other treatment facility.

2 (2) A subject admitted to a state-operated treatment facility  
3 pursuant to this section has all the rights accorded by sections 71-943  
4 to 71-960.

5 (3) For a subject admitted to a state-operated treatment facility  
6 pursuant to this section:

7 (a) The treatment facility shall file treatment reports with the  
8 Indian Health Service or the placing tribe within sixty days after  
9 commencement of the subject's stay at the treatment facility; and

10 (b) The treatment facility shall file a subsequent treatment report  
11 with the Indian Health Service or the placing tribe within six months  
12 after the subject's admission to the facility or prior to discharge,  
13 whichever comes first.

14 (4) If the tribal court finds a subject living within Indian country  
15 to be a dangerous sex offender and the tribal court orders the subject  
16 committed to receive inpatient treatment at a treatment facility, the  
17 tribal court shall issue a warrant authorizing the administrator of such  
18 treatment facility to receive and keep the subject as a patient. The  
19 warrant shall state the findings of the tribal court and the legal  
20 settlement of the subject, if known, or any available information  
21 relating thereto. Such warrant shall shield every official and employee  
22 of the treatment facility against all liability to prosecution of any  
23 kind on account of the reception and detention of the subject if the  
24 detention is otherwise in accordance with law and policies of the  
25 treatment facility.

26 (5) In the case of a subject domiciled within Indian country in  
27 Nebraska who is committed for treatment under tribal law as provided in  
28 this section, the tribe shall make arrangements for payment of the cost  
29 of such treatment services.

30 (6) This section and the changes made to the Sex Offender Commitment  
31 Act by this legislative bill shall not be construed to affect the

1 jurisdiction of tribal courts or to regulate internal proceedings of  
2 tribes or matters of tribal law. The purpose of this section and such  
3 changes is to facilitate the treatment and placement of subjects  
4 domiciled in Indian country in treatment facilities not operated by  
5 tribes.

6 Sec. 27. Section 71-1204, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 71-1204 (1) Except as provided in subsection (3) of this section, a  
9 A mental health professional who, upon evaluation of a person admitted  
10 for emergency protective custody under section 71-919, determines that  
11 such person is a dangerous sex offender shall execute a written  
12 certificate as provided in subsection (2) of this section not later than  
13 twenty-four hours after the completion of such evaluation. A copy of such  
14 certificate shall be immediately forwarded to the county attorney.

15 (2) The certificate shall be in writing and shall include the  
16 following information:

17 (a) The subject's name and address, if known;

18 (b) The name and address of the subject's spouse, legal counsel,  
19 guardian or conservator, and next of kin, if known;

20 (c) The name and address of anyone providing psychiatric or other  
21 care or treatment to the subject, if known;

22 (d) The name and address of any other person who may have knowledge  
23 of the subject's mental illness or personality disorder who may be called  
24 as a witness at a mental health board hearing with respect to the  
25 subject, if known;

26 (e) The name and address of the medical facility in which the  
27 subject is being held for emergency protective custody and evaluation;

28 (f) The name and work address of the certifying mental health  
29 professional;

30 (g) A statement by the certifying mental health professional that he  
31 or she has evaluated the subject since the subject was admitted for

1 emergency protective custody and evaluation; and

2 (h) A statement by the certifying mental health professional that,  
3 in his or her clinical opinion, the subject is a dangerous sex offender  
4 and the clinical basis for such opinion.

5 (3) In the case of a subject domiciled within Indian country who is  
6 taken into emergency protective custody by a law enforcement officer  
7 under tribal law, a mental health professional who, upon evaluation of  
8 such person, determines that such person is a dangerous sex offender  
9 shall execute appropriate written documentation in a format provided by  
10 the tribe not later than twenty-four hours after the completion of such  
11 evaluation. A copy of such certificate shall be immediately forwarded to  
12 the person designated by the tribe.

13 Sec. 28. Section 71-1206, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 71-1206 (1) Mental health board proceedings shall be deemed to have  
16 commenced upon the earlier of (a) the filing of a petition under section  
17 71-1205 or (b) notification by the county attorney to the law enforcement  
18 officer who took the subject into emergency protective custody under  
19 section 71-919 or the administrator of the treatment facility having  
20 charge of the subject of the intention of the county attorney to file  
21 such petition. The county attorney shall file such petition as soon as  
22 reasonably practicable after such notification.

23 (2) A petition filed by the county attorney under section 71-1205  
24 may contain a request for the emergency protective custody and evaluation  
25 of the subject prior to commencement of a mental health board hearing  
26 pursuant to such petition with respect to the subject. Upon receipt of  
27 such request and upon a finding of probable cause to believe that the  
28 subject is a dangerous sex offender as alleged in the petition, the court  
29 or chairperson of the mental health board may issue a warrant directing  
30 the sheriff to take custody of the subject. If the subject is already in  
31 emergency protective custody under a certificate filed under section

1 71-919, a copy of such certificate shall be filed with the petition. The  
2 subject in such custody, including pursuant to tribal law as provided in  
3 section 26 of this act, shall be held in an appropriate and available  
4 medical facility, jail, or Department of Correctional Services facility.  
5 A dangerous sex offender shall not be admitted to a medical facility for  
6 emergency protective custody unless a medical or psychiatric emergency  
7 exists requiring treatment not available at a jail or correctional  
8 facility.

9 (3)(a) Except as provided in subdivision (3)(b) of this section,  
10 each ~~Each~~ county shall make arrangements with appropriate facilities  
11 inside or outside the county for such purpose and shall pay the cost of  
12 the emergency protective custody of persons from such county in such  
13 facilities.

14 (b) For a subject domiciled within Indian country in Nebraska for  
15 whom emergency protective custody is initiated under tribal law, the  
16 tribe shall make arrangements with appropriate facilities inside or  
17 outside the tribe for such purpose and shall make arrangements for the  
18 payment of the cost of the emergency protective custody of persons from  
19 such tribe in such facilities.

20 (4) (3) The petition and all subsequent pleadings and filings in the  
21 case shall be entitled In the Interest of . . . . . , Alleged to be a  
22 Dangerous Sex Offender. The county attorney may dismiss the petition at  
23 any time prior to the commencement of the hearing of the mental health  
24 board under section 71-1208, and upon such motion by the county attorney,  
25 the mental health board shall dismiss the petition.

26 Sec. 29. Section 71-1210, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 71-1210 (1) At the conclusion of a mental health board hearing under  
29 section 71-1208 and prior to the entry of a treatment order by the board  
30 under section 71-1209, the board may (a) order that the subject be  
31 retained in custody until the entry of such order and the subject may be

1 admitted for treatment pursuant to such order or (b) order the subject  
2 released from custody under such conditions as the board deems necessary  
3 and appropriate to prevent the harm described in subdivision (1) of  
4 section 83-174.01 and to assure the subject's appearance at a later  
5 disposition hearing by the board. A subject shall be retained in custody  
6 under this section at an appropriate and available medical facility,  
7 jail, or Department of Correctional Services facility. A dangerous sex  
8 offender shall not be admitted to a medical facility for emergency  
9 protective custody unless a medical or psychiatric emergency exists  
10 requiring treatment not available at a jail or correctional facility.  
11 Each county shall make arrangements with appropriate facilities inside or  
12 outside the county for such purpose and shall pay the cost of the  
13 emergency protective custody of persons from such county in such  
14 facilities.

15 (2) A subject who has been ordered to receive inpatient or  
16 outpatient treatment by a mental health board may be provided treatment  
17 while being retained in emergency protective custody and pending  
18 admission of the subject for treatment pursuant to such order.

19 (3)(a) In the case of a subject domiciled within Indian country who  
20 is taken into emergency protective custody by a law enforcement officer  
21 under tribal law, at the conclusion of a mental health hearing under  
22 tribal law and prior to entry of a treatment order by the tribal court,  
23 the tribal court may order that the subject be:

24 (i) Retained in custody until entry of such order and the subject  
25 may be admitted for treatment pursuant to such order; or

26 (ii) Released from custody under such conditions as the tribal court  
27 deems necessary and appropriate to prevent harm comparable to that  
28 described in subdivision (1) of section 83-174.01 or the equivalent under  
29 tribal law and to assure the subject's appearance at a later disposition  
30 hearing. A subject shall be retained in custody under this section at an  
31 appropriate and available medical facility, jail, or Department of

1 Correctional Services facility. A dangerous sex offender shall not be  
2 admitted to a medical facility for emergency protective custody unless a  
3 medical or psychiatric emergency exists requiring treatment not available  
4 at a jail or correctional facility.

5 (b) Each tribe shall make arrangements with appropriate medical  
6 facilities inside or outside the tribe for such purpose and shall pay the  
7 cost of the emergency protective custody of persons from such tribe in  
8 such facilities.

9 (c) A subject who has been ordered to receive inpatient or  
10 outpatient treatment pursuant to tribal law may be provided treatment  
11 while being retained in emergency protective custody and pending  
12 admission of the subject for treatment pursuant to such order.

13 Sec. 30. Section 71-1213, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 71-1213 (1) If a mental health board issues a warrant for the  
16 admission or return of a subject to a treatment facility and funds to pay  
17 the expenses thereof are needed in advance, the board shall estimate the  
18 probable expense of conveying the subject to the treatment facility,  
19 including the cost of any assistance that might be required, and shall  
20 submit such estimate to the county clerk of the county in which such  
21 person is located. The county clerk shall certify the estimate and shall  
22 issue an order on the county treasurer in favor of the sheriff or other  
23 person entrusted with the execution of the warrant.

24 (2) The sheriff or other person executing the warrant shall include  
25 in his or her return a statement of expenses actually incurred, including  
26 any excess or deficiency. Any excess from the amount advanced for such  
27 expenses under subsection (1) of this section shall be paid to the county  
28 treasurer, taking his or her receipt therefor, and any deficiency shall  
29 be obtained by filing a claim with the county board. If no funds are  
30 advanced, the expenses shall be certified on the warrant and paid when  
31 returned.

1 (3) The sheriff shall be reimbursed for mileage at the rate provided  
2 in section 33-117 for conveying a subject to a treatment facility under  
3 this section. For other services performed under the Sex Offender  
4 Commitment Act, the sheriff shall receive the same fees as for like  
5 services in other cases.

6 (4) Except as provided in subsection (5) of this section, all All  
7 compensation and expenses provided for in this section shall be allowed  
8 and paid out of the treasury of the county by the county board.

9 (5)(a) In the case of a subject domiciled within Indian country who  
10 is taken into emergency protective custody under tribal law, sheriffs and  
11 other law enforcement officers of the State of Nebraska and its political  
12 subdivisions may transport such a subject to a treatment facility,  
13 whether inside or outside of Indian country.

14 (b) The sheriff or other law enforcement agency may enter into a  
15 contract with a tribe for reimbursement for:

16 (i) Reasonable costs incurred in conveying a subject to a treatment  
17 facility under this subsection; and

18 (ii) Other services performed for a tribe under the Sex Offender  
19 Commitment Act or under the equivalent law of the tribe at a rate  
20 comparable to the rate for such services in other cases.

21 Sec. 31. Section 71-1220, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 71-1220 When the administrator of any regional center or treatment  
24 facility for the treatment of dangerous sex offenders determines that any  
25 involuntary patient in such facility may be safely and properly  
26 discharged or placed on convalescent leave, the administrator of such  
27 regional center or treatment facility shall immediately notify the mental  
28 health board of the judicial district from which such patient was  
29 committed. In the case of a subject who is domiciled in Indian country  
30 and committed for treatment as provided in section 26 of this act, such  
31 administrator shall immediately notify the tribal court from which such

1 patient was committed.

2       Sec. 32. Section 71-1221, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4       71-1221 (1) A mental health board shall be notified in writing of  
5 the release by the treatment facility of any individual committed by the  
6 mental health board. Such notice shall immediately be forwarded to the  
7 county attorney. The mental health board shall, upon the motion of the  
8 county attorney, or may upon its own motion, conduct a hearing to  
9 determine whether the individual is a dangerous sex offender and  
10 consequently not a proper subject for release. Such hearing shall be  
11 conducted in accordance with the procedures established for hearings  
12 under the Sex Offender Commitment Act. The subject of such hearing shall  
13 be accorded all rights guaranteed to the subject of a petition under the  
14 act.

15       (2) In the case of a subject who is domiciled in Indian country and  
16 committed for treatment as provided in section 26 of this act, the tribal  
17 court shall be notified in writing of the release by the treatment  
18 facility of any such subject committed by the tribal court.

19       Sec. 33. Section 71-1223, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21       71-1223 (1)(a) When any person receiving treatment at a treatment  
22 facility or program for dangerous sex offenders pursuant to an order of a  
23 court or mental health board is absent without authorization from such  
24 treatment facility or program, the administrator or program director of  
25 such treatment facility or program shall immediately notify the Nebraska  
26 State Patrol and the court or clerk of the mental health board of the  
27 judicial district from which such person was committed. ~~The notification~~  
28 ~~shall include the person's name and description and a determination by a~~  
29 ~~psychiatrist, clinical director, administrator, or program director as to~~  
30 ~~whether the person is believed to be currently dangerous to others.~~

31       (b) The clerk shall issue the warrant of the board directed to the

1 sheriff of the county for the arrest and detention of such person. Such  
2 warrant may be executed by the sheriff or any other peace officer.

3 (2)(a) When any person receiving treatment at a treatment facility  
4 or program for persons with mental illness pursuant to an order of a  
5 tribal court as provided in section 26 of this act is absent without  
6 authorization from such treatment facility or program, the administrator  
7 or program director of such treatment facility or program shall  
8 immediately notify the Nebraska State Patrol and the appropriate tribal  
9 prosecutor or official.

10 (b) The appropriate tribal official may issue a warrant directed to  
11 a peace officer or sheriff of any county for the arrest and detention of  
12 such person. Such warrant may be executed by the sheriff or any other  
13 peace officer.

14 (3) The notification required by subdivision (1)(a) or (2)(a) of  
15 this section shall include the person's name and description and a  
16 determination by a psychiatrist, clinical director, administrator, or  
17 program director as to whether the person is believed to be currently  
18 dangerous to others.

19 (4) Pending the issuance of such the warrant of the mental health  
20 board, any peace officer may seize and detain such person when the peace  
21 officer has probable cause to believe that the person is reported to be  
22 absent without authorization as described in this the section. Such  
23 person shall be returned to the treatment facility or program or shall be  
24 taken to a facility as described in section 71-919 until he or she can be  
25 returned to such treatment facility or program.

26 Sec. 34. Section 83-338, Revised Statutes Cumulative Supplement,  
27 2022, is amended to read:

28 83-338 (1) If at any time it becomes necessary, for lack of capacity  
29 or other cause, to establish priorities for the admission of patients  
30 into the state hospitals for the mentally ill, admission shall be limited  
31 to: (a) Patients whose care in the state hospital is necessary in order

1 to protect the public health and safety; (b) defendants who are  
2 determined by a court to be incompetent to stand trial and who remain  
3 lodged in the county jail; (c) patients committed by a mental health  
4 board under the Nebraska Mental Health Commitment Act or the Sex Offender  
5 Commitment Act, ~~or~~ by a district court, or by a tribal court as provided  
6 in section 15 or 26 of this act; (d) patients who are most likely to be  
7 benefited by treatment in the state hospitals, regardless of whether such  
8 patients are committed by a mental health board or whether such patients  
9 seek voluntary admission to one of the state hospitals; and (e) when  
10 cases are equally meritorious, in all other respects, patients who are  
11 indigent.

12 (2) The Lincoln Regional Center shall provide a minimum number of  
13 beds equal to the following percentages of total available capacity:

14 (a) Ten percent for patients entering the facility pursuant to  
15 subdivision (1)(a) of this section;

16 (b) Ten percent for patients entering the facility pursuant to  
17 subdivision (1)(b) of this section;

18 (c) Thirty percent for patients entering the facility pursuant to  
19 subdivision (1)(c) of this section;

20 (d) Ten percent for patients entering the facility pursuant to  
21 subdivision (1)(d) of this section;

22 (e) Ten percent for patients entering the facility pursuant to  
23 subdivision (1)(e) of this section; and

24 (f) Thirty percent to remain unallocated for the Department of  
25 Health and Human Services to allocate according to the priorities  
26 established in subsection (1) of this section as needed to reduce  
27 existing waiting lists.

28 (3) Beginning on or before November 1, 2022, the Department of  
29 Health and Human Services shall make available on its website a weekly  
30 report on the capacity and status of state-operated mental health  
31 facilities, including, but not limited to, the capacity and wait times

1 associated with each priority category established in subsection (1) of  
2 this section.

3       Sec. 35. Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18,  
4 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 36 of  
5 this act become operative on October 1, 2024. The other sections of this  
6 act become operative on their effective date.

7       Sec. 36. Original sections 71-901, 71-902, 71-903, 71-910, 71-912,  
8 71-919, 71-920, 71-926, 71-929, 71-936, 71-937, 71-939, 71-958, 71-961,  
9 71-1201, 71-1203, 71-1204, 71-1206, 71-1210, 71-1213, 71-1220, 71-1221,  
10 and 71-1223, Reissue Revised Statutes of Nebraska, and section 83-338,  
11 Revised Statutes Cumulative Supplement, 2022, are repealed.

12       Sec. 37. Original sections 53-167.02, 53-180.06, 69-2404, and  
13 69-2430, Reissue Revised Statutes of Nebraska, and section 28-1202.03,  
14 Revised Statutes Supplement, 2023, are repealed.