

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 215

Introduced by Briese, 41.

Read first time January 10, 2023

Committee: Executive Board

1 A BILL FOR AN ACT relating to the Legislature; to amend sections 28-711,
2 43-4302, 43-4303, 43-4317, 43-4320, 43-4321, 43-4322, 43-4324,
3 43-4326, 43-4329, 43-4330, 47-901, 47-902, 47-903, 47-904, 47-905,
4 47-907, 47-908, 47-909, 47-910, 47-911, 47-912, 47-913, 47-914,
5 47-915, 47-918, 47-919, 47-920, and 83-178, Reissue Revised Statutes
6 of Nebraska, and sections 28-712.01, 43-2,108, 43-4301, 43-4318,
7 43-4323, 43-4325, 43-4327, 43-4328, 43-4331, 43-4332, and 81-8,244,
8 Revised Statutes Cumulative Supplement, 2022; to provide, move,
9 change, and eliminate definitions; to provide, move, change, and
10 eliminate duties of the office of the Inspector General of Nebraska
11 Child Welfare and the office of Inspector General of the Nebraska
12 Correctional System as prescribed; to harmonize provisions; to
13 repeal the original sections; and to outright repeal sections
14 43-4304, 43-4304.01, 43-4304.02, 43-4305, 43-4306, 43-4306.01,
15 43-4307, 43-4307.01, 43-4308, 43-4309, 43-4310, 43-4311, 43-4312,
16 43-4313, 43-4314, 43-4315, 43-4316, 43-4319, and 47-906, Reissue
17 Revised Statutes of Nebraska.
18 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-711, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-711 (1) When any physician, any medical institution, any nurse,
4 any school employee, any social worker, the Inspector General appointed
5 under section 7 of this act ~~43-4317~~, or any other person has reasonable
6 cause to believe that a child has been subjected to child abuse or
7 neglect or observes such child being subjected to conditions or
8 circumstances which reasonably would result in child abuse or neglect, he
9 or she shall report such incident or cause a report of child abuse or
10 neglect to be made to the proper law enforcement agency or to the
11 department on the toll-free number established by subsection (2) of this
12 section. Such report may be made orally by telephone with the caller
13 giving his or her name and address, shall be followed by a written
14 report, and to the extent available shall contain the address and age of
15 the abused or neglected child, the address of the person or persons
16 having custody of the abused or neglected child, the nature and extent of
17 the child abuse or neglect or the conditions and circumstances which
18 would reasonably result in such child abuse or neglect, any evidence of
19 previous child abuse or neglect including the nature and extent, and any
20 other information which in the opinion of the person may be helpful in
21 establishing the cause of such child abuse or neglect and the identity of
22 the perpetrator or perpetrators. Law enforcement agencies receiving any
23 reports of child abuse or neglect under this subsection shall notify the
24 department pursuant to section 28-718 on the next working day by
25 telephone or mail.

26 (2) The department shall establish a statewide toll-free number to
27 be used by any person any hour of the day or night, any day of the week,
28 to make reports of child abuse or neglect. Reports of child abuse or
29 neglect not previously made to or by a law enforcement agency shall be
30 made immediately to such agency by the department.

31 Sec. 2. Section 28-712.01, Revised Statutes Cumulative Supplement,

1 2022, is amended to read:

2 28-712.01 (1)(a) The department may assign a report for alternative
3 response consistent with the Child Protection and Family Safety Act.

4 (b) No report involving any of the following shall be assigned to
5 alternative response but shall be immediately forwarded to law
6 enforcement or the county attorney:

7 (i) Murder in the first or second degree as defined in section
8 28-303 or 28-304 or manslaughter as defined in section 28-305;

9 (ii) Assault in the first, second, or third degree or assault by
10 strangulation or suffocation as defined in section 28-308, 28-309,
11 28-310, or 28-310.01;

12 (iii) Sexual abuse, including acts prohibited by section 28-319,
13 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03,
14 28-322.04, 28-322.05, 28-703, or 28-707;

15 (iv) Labor trafficking of a minor or sex trafficking of a minor as
16 defined in section 28-830;

17 (v) Neglect of a minor child that results in serious bodily injury
18 as defined in section 28-109, requires hospitalization of the child, or
19 results in an injury to the child that requires ongoing medical care,
20 behavioral health care, or physical or occupational therapy, including a
21 growth delay, which may be referred to as failure to thrive, that has
22 been diagnosed by a physician and is due to parental neglect;

23 (vi) Physical abuse to the head or torso of a child or physical
24 abuse that results in bodily injury;

25 (vii) An allegation that requires a forensic interview at a child
26 advocacy center or coordination with the child abuse and neglect
27 investigation team pursuant to section 28-728;

28 (viii) Out-of-home child abuse or neglect;

29 (ix) An allegation being investigated by a law enforcement agency at
30 the time of the assignment;

31 (x) A history of termination of parental rights;

1 (xi) Absence of a caretaker without having given an alternate
2 caregiver authority to make decisions and grant consents for necessary
3 care, treatment, and education of a child or without having made
4 provision to be contacted to make such decisions or grant such consents;

5 (xii) Domestic violence involving a caretaker in situations in which
6 the alleged perpetrator has access to the child or caretaker;

7 (xiii) A household member illegally manufactures methamphetamine or
8 opioids;

9 (xiv) A child has had contact with methamphetamine or other
10 nonprescribed opioids, including a positive drug screening or test; or

11 (xv) For a report involving an infant, a household member tests
12 positive for methamphetamine or nonprescribed opioids at the birth of
13 such infant.

14 (c) The department may adopt and promulgate rules and regulations to
15 (i) provide additional ineligibility criteria for assignment to
16 alternative response and (ii) establish additional criteria requiring
17 review by the Review, Evaluate, and Decide Team.

18 (d) A report that includes any of the following may be eligible for
19 alternative response but shall first be reviewed by the Review, Evaluate,
20 and Decide Team prior to assignment to alternative response:

21 (i) Domestic assault as defined in section 28-323 or domestic
22 violence in the family home;

23 (ii) Use of alcohol or controlled substances as defined in section
24 28-401 or 28-405 by a caregiver that impairs the caregiver's ability to
25 care and provide safety for the child; or

26 (iii) A family member residing in the home or a caregiver that has
27 been the subject of a report accepted for traditional response or
28 assigned to alternative response in the past six months.

29 (2) The Review, Evaluate, and Decide Team shall convene to review
30 reports pursuant to the department's rules, regulations, and policies, to
31 evaluate the information, and to determine assignment for alternative

1 response or traditional response. The team shall utilize consistent
2 criteria to review the severity of the allegation of child abuse or
3 neglect, access to the perpetrator, vulnerability of the child, family
4 history including previous reports, parental cooperation, parental or
5 caretaker protective factors, and other information as deemed necessary.
6 At the conclusion of the review, the report shall be assigned to either
7 traditional response or alternative response. Decisions of the team shall
8 be made by consensus. If the team cannot come to consensus, the report
9 shall be assigned for a traditional response.

10 (3) In the case of an alternative response, the department shall
11 complete a comprehensive assessment. The department shall transfer the
12 case being given alternative response to traditional response if the
13 department determines that a child is unsafe or if the concern for the
14 safety of the child is due to a temporary living arrangement. Upon
15 completion of the comprehensive assessment, if it is determined that the
16 child is safe, participation in services offered to the family receiving
17 an alternative response is voluntary, the case shall not be transferred
18 to traditional response based upon the family's failure to enroll or
19 participate in such services, and the subject of the report shall not be
20 entered into the central registry of child protection cases maintained
21 pursuant to section 28-718.

22 (4) The department shall, by the next working day after receipt of a
23 report of child abuse or neglect, enter into the tracking system of child
24 protection cases maintained pursuant to section 28-715 all reports of
25 child abuse or neglect received under this section that are opened for
26 alternative response and any action taken.

27 (5) The department shall make available to the appropriate
28 investigating law enforcement agency, child advocacy center, and county
29 attorney a copy of all reports relative to a case of suspected child
30 abuse or neglect. Aggregate, nonidentifying data regarding reports of
31 child abuse or neglect receiving an alternative response shall be made

1 available quarterly to requesting agencies outside the department. Such
2 alternative response data shall include, but not be limited to, the
3 nature of the initial child abuse or neglect report, the age of the child
4 or children, the nature of services offered, the location of the cases,
5 the number of cases per month, and the number of alternative response
6 cases that were transferred to traditional response. Other than the
7 office of Inspector General of Nebraska Child Welfare, the Public
8 Counsel, law enforcement agency personnel, child advocacy center
9 employees, and county attorneys, no other agency or individual shall be
10 provided specific, identifying reports of child abuse or neglect being
11 given alternative response. The office of Inspector General of Nebraska
12 Child Welfare shall have access to all reports relative to cases of
13 suspected child abuse or neglect subject to traditional response and
14 those subject to alternative response. The department and the office
15 shall develop procedures allowing for the Inspector General's review of
16 cases subject to alternative response. The Inspector General shall
17 include in the report pursuant to section 20 of this act ~~43-4331~~ a
18 summary of all cases reviewed pursuant to this subsection.

19 Sec. 3. Section 43-2,108, Revised Statutes Cumulative Supplement,
20 2022, is amended to read:

21 43-2,108 (1) The juvenile court judge shall keep a record of all
22 proceedings of the court in each case, including appearances, findings,
23 orders, decrees, and judgments, and any evidence which he or she feels it
24 is necessary and proper to record. The case file shall contain the
25 complaint or petition and subsequent pleadings. The case file may be
26 maintained as an electronic document through the court's electronic case
27 management system, on microfilm, or in a paper volume and disposed of
28 when determined by the State Records Administrator pursuant to the
29 Records Management Act.

30 (2) Except as provided in subsections (3) and (4) of this section,
31 the medical, psychological, psychiatric, and social welfare reports and

1 the records of juvenile probation officers as they relate to individual
2 proceedings in the juvenile court shall not be open to inspection,
3 without order of the court. Such records shall be made available to a
4 district court of this state or the District Court of the United States
5 on the order of a judge thereof for the confidential use of such judge or
6 his or her probation officer as to matters pending before such court but
7 shall not be made available to parties or their counsel; and such
8 district court records shall be made available to a county court or
9 separate juvenile court upon request of the county judge or separate
10 juvenile judge for the confidential use of such judge and his or her
11 probation officer as to matters pending before such court, but shall not
12 be made available by such judge to the parties or their counsel.

13 (3) As used in this section, confidential record information means
14 all docket records, other than the pleadings, orders, decrees, and
15 judgments; case files and records; reports and records of probation
16 officers; and information supplied to the court of jurisdiction in such
17 cases by any individual or any public or private institution, agency,
18 facility, or clinic, which is compiled by, produced by, and in the
19 possession of any court. In all cases under subdivision (3)(a) of section
20 43-247, access to all confidential record information in such cases shall
21 be granted only as follows: (a) The court of jurisdiction may, subject to
22 applicable federal and state regulations, disseminate such confidential
23 record information to any individual, or public or private agency,
24 institution, facility, or clinic which is providing services directly to
25 the juvenile and such juvenile's parents or guardian and his or her
26 immediate family who are the subject of such record information; (b) the
27 court of jurisdiction may disseminate such confidential record
28 information, with the consent of persons who are subjects of such
29 information, or by order of such court after showing of good cause, to
30 any law enforcement agency upon such agency's specific request for such
31 agency's exclusive use in the investigation of any protective service

1 case or investigation of allegations under subdivision (3)(a) of section
2 43-247, regarding the juvenile or such juvenile's immediate family, who
3 are the subject of such investigation; and (c) the court of jurisdiction
4 may disseminate such confidential record information to any court, which
5 has jurisdiction of the juvenile who is the subject of such information
6 upon such court's request.

7 (4) The court shall provide copies of predispositional reports and
8 evaluations of the juvenile to the juvenile's attorney and the county
9 attorney or city attorney prior to any hearing in which the report or
10 evaluation will be relied upon.

11 (5) In all cases under sections 43-246.01 and 43-247, the office of
12 Inspector General of Nebraska Child Welfare may submit a written request
13 to the probation administrator for access to the records of juvenile
14 probation officers in a specific case. Upon a juvenile court order, the
15 records shall be provided to the Inspector General within five business
16 days for the exclusive use in an investigation pursuant to the Office of
17 Inspector General of Nebraska Child Welfare Act. Nothing in this
18 subsection shall prevent the notification of death or serious injury of a
19 juvenile to the Inspector General of Nebraska Child Welfare pursuant to
20 section 8 of this act ~~43-4318~~ as soon as reasonably possible after the
21 Office of Probation Administration learns of such death or serious
22 injury.

23 (6) In all cases under sections 43-246.01 and 43-247, the juvenile
24 court shall disseminate confidential record information to the Foster
25 Care Review Office pursuant to the Foster Care Review Act.

26 (7) Nothing in subsections (3), (5), and (6) of this section shall
27 be construed to restrict the dissemination of confidential record
28 information between any individual or public or private agency,
29 institute, facility, or clinic, except any such confidential record
30 information disseminated by the court of jurisdiction pursuant to this
31 section shall be for the exclusive and private use of those to whom it

1 was released and shall not be disseminated further without order of such
2 court.

3 (8)(a) Any records concerning a juvenile court petition filed
4 pursuant to subdivision (3)(c) of section 43-247 shall remain
5 confidential except as may be provided otherwise by law. Such records
6 shall be accessible to (i) the juvenile except as provided in subdivision
7 (b) of this subsection, (ii) the juvenile's counsel, (iii) the juvenile's
8 parent or guardian, and (iv) persons authorized by an order of a judge or
9 court.

10 (b) Upon application by the county attorney or by the director of
11 the facility where the juvenile is placed and upon a showing of good
12 cause therefor, a judge of the juvenile court having jurisdiction over
13 the juvenile or of the county where the facility is located may order
14 that the records shall not be made available to the juvenile if, in the
15 judgment of the court, the availability of such records to the juvenile
16 will adversely affect the juvenile's mental state and the treatment
17 thereof.

18 (9) Nothing in subsection (3), (5), or (6) of this section shall be
19 construed to restrict the immediate dissemination of a current picture
20 and information about a child who is missing from a foster care or out-
21 of-home placement. Such dissemination by the Office of Probation
22 Administration shall be authorized by an order of a judge or court. Such
23 information shall be subject to state and federal confidentiality laws
24 and shall not include that the child is in the care, custody, or control
25 of the Department of Health and Human Services or under the supervision
26 of the Office of Probation Administration.

27 Sec. 4. Section 43-4301, Revised Statutes Cumulative Supplement,
28 2022, is amended to read:

29 ~~43-4301~~ Sections 4 to 22 of this act ~~43-4301 to 43-4332~~ shall be
30 known and may be cited as the Office of Inspector General of Nebraska
31 Child Welfare Act.

1 Sec. 5. Section 43-4302, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 ~~43-4302~~ (1) It is the intent of the Legislature to:

4 (a) Establish a full-time program of investigation and performance
5 review to provide increased accountability and oversight of the Nebraska
6 child welfare system;

7 (b) Assist in improving operations of the Nebraska child welfare
8 system;

9 (c) Provide an independent form of inquiry for concerns regarding
10 the actions of individuals and agencies responsible for the care and
11 protection of children and youth in the Nebraska child welfare system.
12 Confusion of the roles, responsibilities, and accountability structures
13 between individuals, private contractors, branches of government, and
14 agencies in the current system make it difficult to monitor and oversee
15 the Nebraska child welfare system; and

16 (d) Provide a process for investigation and review to determine if
17 individual complaints and issues of investigation and inquiry reveal a
18 problem in the child welfare system, not just individual cases, that
19 necessitates legislative action for improved policies and restructuring
20 of the child welfare system.

21 (2) It is not the intent of the Legislature in enacting the Office
22 of Inspector General of Nebraska Child Welfare Act to interfere with the
23 duties of the Legislative Auditor or the Legislative Fiscal Analyst or to
24 interfere with the statutorily defined investigative responsibilities or
25 prerogatives of any officer, agency, board, bureau, commission,
26 association, society, or institution of the executive branch of state
27 government, except that the act does not preclude an inquiry on the sole
28 basis that another agency has the same responsibility. The act shall not
29 be construed to interfere with or supplant the responsibilities or
30 prerogatives of the Governor to investigate, monitor, and report on the
31 activities of the agencies, boards, bureaus, commissions, associations,

1 societies, and institutions of the executive branch under his or her
2 administrative direction.

3 Sec. 6. Section 43-4303, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 ~~43-4303~~ For purposes of the Office of Inspector General of Nebraska
6 Child Welfare Act; ~~the definitions found in sections 43-4304 to 43-4316~~
7 ~~apply.~~

8 (1) Administrator means: (a) A person charged with administration of
9 a program, an office, or a division of the department or administration
10 of a private agency or licensed child care facility; (b) the probation
11 administrator; or (c) the executive director;

12 (2) Child welfare system means public and private agencies and
13 parties that provide or effect services or supervision to system-involved
14 children and their families;

15 (3) Commission means the Nebraska Commission on Law Enforcement and
16 Criminal Justice;

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

18 (5) Director means the chief executive officer of the department;

19 (6) Executive director means the executive director of the
20 commission;

21 (7) Inspector General means the Inspector General of Nebraska Child
22 Welfare appointed under section 7 of this act;

23 (8) Juvenile services division means the juvenile services division
24 of the Office of Probation Administration;

25 (9) Licensed child care facility means a facility or program
26 licensed under the Child Care Licensing Act, the Children's Residential
27 Facilities and Placing Licensure Act, or sections 71-1901 to 71-1906.01;

28 (10) Malfeasance means a wrongful act that the actor has no legal
29 right to do or any wrongful conduct that affects, interrupts, or
30 interferes with performance of an official duty;

31 (11) Management means supervision of subordinate employees;

1 (12) Misfeasance means the improper performance of some act that a
2 person may lawfully do;

3 (13) Obstruction means hindering an investigation, preventing an
4 investigation from progressing, stopping or delaying the progress of an
5 investigation, or making the progress of an investigation difficult or
6 slow;

7 (14) Office means the office of Inspector General of Nebraska Child
8 Welfare and includes the Inspector General and other employees of the
9 office;

10 (15) Private agency means a child welfare agency that contracts with
11 the department or the Office of Probation Administration or contracts to
12 provide services to another child welfare agency that contracts with the
13 department or the Office of Probation Administration;

14 (16) Record means any recording, in written, audio, electronic, or
15 computer storage form, including, but not limited to, drafts,
16 memorandums, notes, reports, computer printouts, notations, messages,
17 medical records, mental health records, case files, clinical records,
18 financial records, and administrative records; and

19 (17) Responsible individual means: A foster parent; a relative
20 provider of foster care; or an employee of the department, the juvenile
21 services division, the commission, a foster home, a private agency, a
22 licensed child care facility, or another provider of child welfare
23 programs and services responsible for the care or custody of records,
24 documents, and files.

25 Sec. 7. Section 43-4317, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 ~~43-4317~~ (1) The office of Inspector General of Nebraska Child
28 Welfare is created within the office of Public Counsel for the purpose of
29 conducting investigations, audits, inspections, and other reviews of the
30 Nebraska child welfare system. The Inspector General shall be appointed
31 by the Public Counsel with approval from the chairperson of the Executive

1 Board of the Legislative Council and the chairperson of the Health and
2 Human Services Committee of the Legislature.

3 (2) The Inspector General shall be appointed for a term of five
4 years and may be reappointed. The Inspector General shall be selected
5 without regard to political affiliation and on the basis of integrity,
6 capability for strong leadership, and demonstrated ability in accounting,
7 auditing, financial analysis, law, management analysis, public
8 administration, investigation, or criminal justice administration or
9 other closely related fields. No former or current executive or manager
10 of the department may be appointed Inspector General within five years
11 after such former or current executive's or manager's period of service
12 with the department. Not later than two years after the date of
13 appointment, the Inspector General shall obtain certification as a
14 Certified Inspector General by the Association of Inspectors General, its
15 successor, or another nationally recognized organization that provides
16 and sponsors educational programs and establishes professional
17 qualifications, certifications, and licensing for inspectors general.
18 During his or her employment, the Inspector General shall not be actively
19 involved in partisan affairs.

20 (3) The Inspector General shall employ such investigators and
21 support staff as he or she deems necessary to carry out the duties of the
22 office within the amount available by appropriation through the office of
23 Public Counsel for the office of Inspector General of Nebraska Child
24 Welfare. The Inspector General shall be subject to the control and
25 supervision of the Public Counsel, except that removal of the Inspector
26 General shall require approval of the chairperson of the Executive Board
27 of the Legislative Council and the chairperson of the Health and Human
28 Services Committee of the Legislature.

29 Sec. 8. Section 43-4318, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 ~~43-4318~~ (1) The office shall investigate:

1 (a) Allegations or incidents of possible misconduct, misfeasance,
2 malfeasance, or violations of statutes or of rules or regulations of:

3 (i) The department by an employee of or person under contract with
4 the department, a private agency, a licensed child care facility, a
5 foster parent, or any other provider of child welfare services or which
6 may provide a basis for discipline pursuant to the Uniform Credentialing
7 Act;

8 (ii) Subject to subsection (6) ~~(5)~~ of this section, the juvenile
9 services division by an employee of or person under contract with the
10 juvenile services division, a private agency, a licensed facility, a
11 foster parent, or any other provider of juvenile justice services;

12 (iii) The commission by an employee of or person under contract with
13 the commission related to programs and services supported by the Nebraska
14 County Juvenile Services Plan Act, the Community-based Juvenile Services
15 Aid Program, juvenile pretrial diversion programs, or inspections of
16 juvenile facilities; and

17 (iv) A juvenile detention facility and staff secure juvenile
18 facility by an employee of or person under contract with such facilities;

19 (b) Death or serious injury in foster homes, private agencies, child
20 care facilities, juvenile detention facilities, staff secure juvenile
21 facilities, and other programs and facilities licensed by or under
22 contract with the department or the juvenile services division when the
23 office, upon review, determines the death or serious injury did not occur
24 by chance; ~~and~~

25 (c) Death or serious injury in any case in which services are
26 provided by the department or the juvenile services division to a child
27 or his or her parents when the office, upon review, determines the death
28 or serious injury did not occur by chance; and

29 (d) Death or serious injury in ~~or~~ any case involving an
30 investigation under the Child Protection and Family Safety Act, which
31 case has been open for one year or less, and upon review determines the

1 death or serious injury did not occur by chance.

2 (2) The department, the juvenile services division, each juvenile
3 detention facility, and each staff secure juvenile facility shall report
4 to the office as soon as reasonably possible:

5 (a) All ~~all~~ cases of death or serious injury of a child in a foster
6 home, private agency, child care facility or program, or other program or
7 facility licensed by the department or inspected through the commission;

8 (b) All cases of death or serious injury in any case in which
9 services are provided by the department or the juvenile services division
10 to a child or the child's parents;

11 (c) All cases of death or serious injury involving an investigation
12 under the Child Protection and Family Safety Act, which case has been
13 open for one year or less, and upon review determines the death or
14 serious injury did not occur by chance; and

15 (d) All ~~to the Inspector General as soon as reasonably possible~~
16 ~~after the department or the Office of Probation Administration learns of~~
17 ~~such death or serious injury and (b) all~~ allegations of sexual abuse of a
18 state ward, a juvenile on probation, a juvenile in a detention facility,
19 or a ~~and~~ juvenile in a residential child-caring agency.

20 (3) For purposes of this section ~~subsection~~, serious injury means an
21 injury or illness caused by suspected abuse, neglect, or maltreatment
22 which leaves a child in critical or serious condition.

23 (4)(a) ~~(3)(a)~~ The Office of Juvenile Services shall report to the
24 office of Inspector General of Nebraska Child Welfare as soon as
25 reasonably possible after any of the following instances occur at a youth
26 rehabilitation and treatment center:

27 (i) An assault;

28 (ii) An escape or elopement;

29 (iii) An attempted suicide;

30 (iv) Self-harm by a juvenile;

31 (v) Property damage not caused by normal wear and tear;

1 (vi) The use of mechanical restraints on a juvenile;
2 (vii) A significant medical event suffered by a juvenile; and
3 (viii) Internally substantiated violations of 34 U.S.C. 30301 et
4 seq.

5 (b) The Office of Juvenile Services and the office of Inspector
6 General of Nebraska Child Welfare shall, if requested by either party,
7 work in collaboration to clarify the specific parameters to comply with
8 subdivision ~~(4)(a)~~ ~~(3)(a)~~ of this section.

9 ~~(5)~~ ~~(4)~~ The department shall notify the office of Inspector General
10 of Nebraska Child Welfare of any leadership changes within the Office of
11 Juvenile Services and the youth rehabilitation and treatment centers.

12 ~~(6)~~ ~~(5)~~ With respect to any investigation conducted by the Inspector
13 General pursuant to subdivision (1)(a) of this section that involves
14 possible misconduct by an employee of the juvenile services division, the
15 Inspector General shall immediately notify the probation administrator
16 and provide the information pertaining to potential personnel matters to
17 the Office of Probation Administration.

18 ~~(7)~~ ~~(6)~~ Any investigation conducted by the Inspector General shall
19 be independent of and separate from an investigation pursuant to the
20 Child Protection and Family Safety Act. The Inspector General and his or
21 her staff are subject to the reporting requirements of the Child
22 Protection and Family Safety Act.

23 ~~(8)~~ ~~(7)~~ Notwithstanding the fact that a criminal investigation, a
24 criminal prosecution, or both are in progress, all law enforcement
25 agencies and prosecuting attorneys shall cooperate with any investigation
26 conducted by the Inspector General and shall, immediately upon request by
27 the Inspector General, provide the Inspector General with copies of all
28 law enforcement reports which are relevant to the Inspector General's
29 investigation. All law enforcement reports which have been provided to
30 the Inspector General pursuant to this section are not public records for
31 purposes of sections 84-712 to 84-712.09 and shall not be subject to

1 discovery by any other person or entity. Except to the extent that
2 disclosure of information is otherwise provided for in the Office of
3 Inspector General of Nebraska Child Welfare Act, the Inspector General
4 shall maintain the confidentiality of all law enforcement reports
5 received pursuant to its request under this section. Law enforcement
6 agencies and prosecuting attorneys shall, when requested by the Inspector
7 General, collaborate with the Inspector General regarding all other
8 information relevant to the Inspector General's investigation. If the
9 Inspector General in conjunction with the Public Counsel determines it
10 appropriate, the Inspector General may, when requested to do so by a law
11 enforcement agency or prosecuting attorney, suspend an investigation by
12 the office until a criminal investigation or prosecution is completed or
13 has proceeded to a point that, in the judgment of the Inspector General,
14 reinstatement of the Inspector General's investigation will not impede or
15 infringe upon the criminal investigation or prosecution. Under no
16 circumstance shall the Inspector General interview any minor who has
17 already been interviewed by a law enforcement agency, personnel of the
18 Division of Children and Family Services of the department, or staff of a
19 child advocacy center in connection with a relevant ongoing investigation
20 of a law enforcement agency.

21 (9) The office may conduct other investigations, audits,
22 inspections, and reviews as necessary to perform the duties of the office
23 and fulfill the purposes of the Office of Inspector General of Nebraska
24 Child Welfare Act.

25 Sec. 9. Section 43-4320, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 ~~43-4320~~ (1) Complaints to the office may be made in writing. The
28 office shall also maintain a toll-free telephone line for complaints. A
29 complaint shall be evaluated to determine if it alleges possible
30 misconduct, misfeasance, malfeasance, or violation of a statute or of
31 rules and regulations pursuant to section 8 of this act ~~43-4318~~. All

1 complaints shall be evaluated to determine whether a full investigation
2 is warranted.

3 (2) The office shall not conduct a full investigation of a complaint
4 unless:

5 (a) The complaint alleges misconduct, misfeasance, malfeasance, or
6 violation of a statute or of rules and regulations pursuant to section 8
7 of this act 43-4318;

8 (b) The complaint is against a person within the jurisdiction of the
9 office; and

10 (c) The allegations can be independently verified through
11 investigation.

12 (3) After receipt of a complaint, the The Inspector General shall
13 ~~determine within fourteen days after receipt of a complaint~~ whether it
14 will conduct a full investigation. A complaint alleging facts which, if
15 verified, would provide a basis for discipline under the Uniform
16 Credentialing Act shall be referred to the appropriate credentialing
17 board under the act.

18 (4) When a full investigation is opened on a private agency that
19 contracts with the Office of Probation Administration, the Inspector
20 General shall give notice of such investigation to the Office of
21 Probation Administration.

22 Sec. 10. Section 43-4321, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 43-4321 (1) The office shall have access to all information and
25 personnel necessary to perform the duties of the office.

26 (2) All employees of the department, the juvenile services division
27 as directed by the juvenile court or the Office of Probation
28 Administration, or the commission, all foster parents, and all owners,
29 operators, managers, supervisors, and employees of private agencies,
30 licensed child care facilities, juvenile detention facilities, staff
31 secure juvenile facilities, and other providers of child welfare services

1 or juvenile justice services shall cooperate with the office. Cooperation
2 includes, but is not limited to, the following:

3 (a) ~~(1)~~ Provision of full access to, and production of, records and
4 information. Providing access to and producing records and information
5 for the office is not a violation of confidentiality provisions under any
6 law, statute, rule, or regulation if done in good faith ~~for purposes of~~
7 ~~an investigation~~ under the Office of Inspector General of Nebraska Child
8 Welfare Act;

9 (b) ~~(2)~~ Fair and honest disclosure of records and information
10 reasonably requested by the office ~~in the course of an investigation~~
11 under the act;

12 (c) ~~(3)~~ Encouraging employees to fully comply with reasonable
13 requests of the office ~~in the course of an investigation~~ under the act;

14 (d) ~~(4)~~ Prohibition of retaliation by owners, operators, or managers
15 against employees for providing records or information or filing or
16 otherwise making a complaint to the office;

17 (e) ~~(5)~~ Not requiring employees to gain supervisory approval prior
18 to filing a complaint with, or providing records or information to, the
19 office; and

20 (f) Not requiring employees to report the filing of a complaint with
21 the office.

22 ~~(6) Provision of complete and truthful answers to questions posed by~~
23 ~~the office in the course of an investigation; and~~

24 ~~(7) Not willfully interfering with or obstructing the investigation.~~

25 Sec. 11. Section 43-4323, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 ~~43-4323~~ The Inspector General may issue a subpoena, enforceable by
28 action in an appropriate court, to compel any person to appear, give
29 sworn testimony, or produce documentary or other evidence deemed relevant
30 to a matter under his or her inquiry. A person thus required to provide
31 information shall be paid the same fees and travel allowances and shall

1 be accorded the same privileges and immunities as are extended to
2 witnesses in the district courts of this state and shall also be entitled
3 to have counsel present while being questioned. Any fees associated with
4 counsel present under this section shall not be the responsibility of the
5 office of Inspector General of Nebraska Child Welfare.

6 Sec. 12. Section 43-4324, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 ~~43-4324~~ (1) A full investigation conducted by the office shall
9 consist of access to, and retrieval of all, relevant records through
10 subpoena, compliance with a request of the office, or voluntary
11 production; review of all relevant records; and interviews of all
12 relevant persons ~~In conducting investigations, the office shall access~~
13 ~~all relevant records through subpoena, compliance with a request of the~~
14 ~~office, and voluntary production.~~ The office may request or subpoena any
15 record necessary for the investigation from the department, the juvenile
16 services division as permitted by law, the commission, a foster parent, a
17 licensed child care facility, a juvenile detention facility, a staff
18 secure juvenile facility, or a private agency that is pertinent to an
19 investigation. All case files, licensing files, medical records,
20 financial and administrative records, and records required to be
21 maintained pursuant to applicable licensing rules shall be produced for
22 review by the office in the course of an investigation.

23 (2) For a request for confidential record information pursuant to
24 section 43-2,108 involving death or serious injury, the office may submit
25 a written request to the probation administrator. The probation
26 administrator shall provide such record information to the office within
27 five business days after such request is received.

28 (3) ~~(2)~~ Compliance with a request of the office includes:

29 (a) Production of all records requested;

30 (b) A diligent search to ensure that all appropriate records are
31 included; ~~and~~

1 (c) A continuing obligation to immediately forward to the office any
2 relevant records received, located, or generated after the date of the
3 request; -

4 (d) Provision of complete and truthful answers to questions posed by
5 the office in the course of an investigation; and

6 (e) Not willfully interfering with or obstructing the investigation.

7 (4) (3) The office shall seek access in a manner that respects the
8 dignity and human rights of all persons involved, maintains the integrity
9 of the investigation, and does not unnecessarily disrupt child welfare
10 programs or services. When advance notice to a foster parent or to an
11 administrator or his or her designee is not provided, the office
12 investigator shall, upon arrival at the departmental office, bureau, or
13 division, the private agency, the licensed child care facility, the
14 juvenile detention facility, the staff secure juvenile facility, or the
15 location of another provider of child welfare services, request that an
16 onsite employee notify the administrator or his or her designee of the
17 investigator's arrival.

18 (5) (4) When required by circumstances of an investigation, audit,
19 inspection, or other review require, the office may make an announced or
20 unannounced visit to a foster home, a departmental office, bureau, or
21 division, a licensed child care facility, a juvenile detention facility,
22 a staff secure juvenile facility, a private agency, or another provider
23 to request records relevant to an investigation. The office may request
24 records relevant to an investigation during a visit.

25 (6) (5) A responsible individual or an administrator may be asked to
26 sign a statement of record integrity and security when a record is
27 secured by request as the result of a visit by the office, stating:

28 (a) That the responsible individual or the administrator has made a
29 diligent search of the office, bureau, division, private agency, licensed
30 child care facility, juvenile detention facility, staff secure juvenile
31 facility, or other provider's location to determine that all appropriate

1 records in existence at the time of the request were produced;

2 (b) That the responsible individual or the administrator agrees to
3 immediately forward to the office any relevant records received, located,
4 or generated after the visit;

5 (c) The persons who have had access to the records since they were
6 secured; and

7 (d) Whether, to the best of the knowledge of the responsible
8 individual or the administrator, any records were removed from or added
9 to the record since it was secured.

10 (7) ~~(6)~~ The office shall permit a responsible individual, an
11 administrator, or an employee of a departmental office, bureau, or
12 division, a private agency, a licensed child care facility, a juvenile
13 detention facility, a staff secure juvenile facility, or another provider
14 to make photocopies of the original records within a reasonable time in
15 the presence of the office for purposes of creating a working record in a
16 manner that assures confidentiality.

17 (8) ~~(7)~~ The office shall present to the responsible individual or
18 the administrator or other employee of the departmental office, bureau,
19 or division, private agency, licensed child care facility, juvenile
20 detention facility, staff secure juvenile facility, or other service
21 provider a copy of the request, stating the date and the titles of the
22 records received.

23 (9) ~~(8)~~ If an original record is provided during an investigation,
24 the office shall return the original record as soon as practical but no
25 later than ten business ~~working~~ days after the date of the compliance
26 request.

27 (10) ~~(9)~~ All investigations conducted by the office shall be
28 conducted in a manner designed to ensure the preservation of evidence for
29 possible use in a criminal prosecution.

30 Sec. 13. Section 43-4322, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 ~~43-4322~~ Failure to cooperate with an investigation by the office may
2 result in public disclosure of the failure to cooperate discipline or
3 other sanctions.

4 Sec. 14. Section 43-4326, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 ~~43-4326~~ (1) The department shall provide the office of the Public
7 Counsel and the office of Inspector General with direct computer access
8 to all computerized records, reports, and documents maintained by the
9 department in connection with administration of the Nebraska child
10 welfare system.

11 (2) The commission shall provide the office of Inspector General
12 with direct computer access to all computerized records, reports, and
13 documents maintained in connection with administration of juvenile
14 justice services.

15 (3) The juvenile services division, as directed by the juvenile
16 court or the Office of Probation Administration, shall provide the office
17 of Inspector General with direct computer access to all computerized
18 records, reports, and documents maintained by the juvenile services
19 division in connection with a specific case under investigation.

20 Sec. 15. Section 43-4327, Revised Statutes Cumulative Supplement,
21 2022, is amended to read:

22 ~~43-4327~~ (1) The Inspector General's report of an investigation shall
23 be in writing to the Public Counsel and may shall contain
24 recommendations. The report may recommend systemic reform or case-
25 specific action, including a recommendation for discharge or discipline
26 of employees or for sanctions against a foster parent, private agency,
27 licensed child care facility, or other provider of child welfare services
28 or juvenile justice services. All recommendations to pursue discipline
29 shall be in writing and signed by the Inspector General. A report of an
30 investigation shall be presented to the director, the probation
31 administrator, or the executive director within fifteen business days

1 after the report is presented to the Public Counsel.

2 (2) Any person receiving a report under this section shall not
3 further distribute the report or any confidential information contained
4 in the report beyond the entity that is the subject of the report. The
5 Inspector General, upon notifying the Public Counsel and the director,
6 the probation administrator, or the executive director, may distribute
7 the report, to the extent that it is relevant to a child's welfare, to
8 the guardian ad litem and attorneys in the juvenile court in which a case
9 is pending involving the child or family who is the subject of the
10 report. The report shall not be distributed beyond the parties except
11 through the appropriate court procedures to the judge.

12 (3) A report that identifies misconduct, misfeasance, malfeasance,
13 or violation of statute, rules, or regulations by an employee of the
14 department, the juvenile services division, the commission, a private
15 agency, a licensed child care facility, or another provider that is
16 relevant to providing appropriate supervision of an employee may be
17 shared with the employer of such employee. The employer shall ~~may~~ not
18 further distribute the report or any confidential information contained
19 in the report.

20 Sec. 16. Section 43-4328, Revised Statutes Cumulative Supplement,
21 2022, is amended to read:

22 ~~43-4328~~ (1) Within fifteen business days after a report is presented
23 to the director, the probation administrator, or the executive director
24 under section 15 of this act ~~43-4327~~, he or she shall determine whether
25 to accept, reject, or request ~~in writing~~ modification of the
26 recommendations contained in the report. The ~~written~~ response shall be in
27 writing and may include corrections of factual errors. The Inspector
28 General, with input from the Public Counsel, may consider such ~~the~~
29 ~~director's, probation administrator's, or executive director's~~ request
30 for modifications but is not obligated to accept the ~~such~~ request. Such
31 report shall become final upon (a) the decision of the director, the

1 probation administrator, or the executive director to accept or reject
2 the recommendations in the report or (b) within fifteen business days
3 after ,~~if~~ the director, the probation administrator, or the executive
4 director requests modifications, ~~within fifteen days after such request~~
5 or after the Inspector General incorporates such modifications, whichever
6 occurs earlier. If the Inspector General does not accept the requested
7 modification, the recommendation for which a modification was requested
8 shall be considered to be rejected by the director, probation
9 administrator, or the executive director.

10 (2) After the recommendations have been accepted, rejected, or
11 modified, the report shall be presented to the foster parent, private
12 agency, licensed child care facility, or other provider of child welfare
13 services or juvenile justice services that is the subject of the report
14 and to persons involved in the implementation of the recommendations in
15 the report. Within fifteen business ~~thirty~~ days after receipt of the
16 report, the foster parent, private agency, licensed child care facility,
17 or other provider may submit a written response to the office to correct
18 any factual errors in the report and shall determine whether to accept,
19 reject, or request in writing modification of the recommendations
20 contained in the report. The Inspector General, with input from the
21 Public Counsel, shall consider all materials submitted under this
22 subsection to determine whether a corrected report shall be issued. If
23 the Inspector General determines that a corrected report is necessary,
24 the corrected report shall be issued within fifteen business days after
25 receipt of the written response.

26 (3) If the Inspector General does not issue a corrected report
27 pursuant to subsection (2) of this section, or if the corrected report
28 does not address all issues raised in the written response, the foster
29 parent, private agency, licensed child care facility, or other provider
30 may request that its written response, or portions of the response, be
31 appended to the report or corrected report.

1 (4) A report which raises issues related to credentialing under the
2 Uniform Credentialing Act shall be submitted to the appropriate
3 credentialing board under the act.

4 Sec. 17. Section 43-4325, Revised Statutes Cumulative Supplement,
5 2022, is amended to read:

6 ~~43-4325~~ (1) Reports of investigations conducted by the office shall
7 not be distributed beyond the entity that is the subject of the report
8 without the consent of the Inspector General.

9 (2) Except when a report is provided to a guardian ad litem or an
10 attorney in the juvenile court pursuant to subsection (2) of section 15
11 of this act ~~43-4327~~, the office shall redact confidential information
12 before distributing a report of an investigation.

13 (3) The office may disclose confidential information to the
14 chairperson of the Health and Human Services Committee of the Legislature
15 or the chairperson of the Judiciary Committee of the Legislature when
16 such disclosure is, in the judgment of the Public Counsel, desirable to
17 keep the chairperson informed of important events, issues, and
18 developments in the Nebraska child welfare system.

19 (4)(a) ~~(3)(a)~~ A summarized final report based on an investigation
20 may be publicly released in order to bring awareness to systemic issues.

21 (b) Such report shall be released only:

22 (i) After a disclosure is made to the appropriate chairperson or
23 chairpersons pursuant to subsection (3) ~~(2)~~ of this section; and

24 (ii) If a determination is made by the Inspector General with the
25 appropriate chairperson that doing so would be in the best interest of
26 the public.

27 (c) If there is disagreement about whether releasing the report
28 would be in the best interest of the public, the chairperson of the
29 Executive Board of the Legislative Council may be asked to make the final
30 decision.

31 (5) ~~(4)~~ Records and documents, regardless of physical form, that are

1 obtained or produced by the office in the course of an investigation are
2 not public records for purposes of sections 84-712 to 84-712.09. Reports
3 of investigations conducted by the office are not public records for
4 purposes of sections 84-712 to 84-712.09.

5 ~~(6)~~ ~~(5)~~ The office may withhold the identity of sources of
6 information to protect from retaliation any person who files a complaint
7 or provides information in good faith pursuant to the Office of Inspector
8 General of Nebraska Child Welfare Act.

9 Sec. 18. Section 43-4329, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 ~~43-4329~~ No report or other work product of an investigation by the
12 Inspector General shall be reviewable in any court. Neither the Inspector
13 General nor any member of his or her staff shall be required to testify
14 or produce evidence in any judicial or administrative proceeding
15 concerning matters within his or her official cognizance except in a
16 proceeding brought to enforce the Office of Inspector General of Nebraska
17 Child Welfare Act.

18 Sec. 19. Section 43-4330, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 ~~43-4330~~ The Office of Inspector General of Nebraska Child Welfare
21 Act does not require the Inspector General to investigate all complaints.
22 The Inspector General, with input from the Public Counsel, shall
23 prioritize and select investigations and inquiries that further the
24 intent of the act and assist in legislative oversight of the Nebraska
25 child welfare system and juvenile justice system. If the Inspector
26 General determines that he or she will not investigate a complaint, the
27 Inspector General may recommend to the parties alternative means of
28 resolution of the issues in the complaint.

29 Sec. 20. Section 43-4331, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 ~~43-4331~~ On or before September 15 of each year, the Inspector

1 General shall provide to the Health and Human Services Committee of the
2 Legislature, the Judiciary Committee of the Legislature, the Supreme
3 Court, and the Governor a report that includes a summary of reports and
4 investigations made under the Office of Inspector General of Nebraska
5 Child Welfare Act for the preceding year. The report summary ~~provided to~~
6 ~~the committees~~ shall be provided electronically and filed with the Clerk
7 of the Legislature. The report summaries shall detail recommendations and
8 the status of implementation of recommendations and may also include
9 recommendations to the committees regarding issues discovered through
10 investigation, audits, inspections, and reviews by the office that will
11 increase accountability and legislative oversight of the Nebraska child
12 welfare system, improve operations of the department, the juvenile
13 services division, the commission, and the Nebraska child welfare system,
14 or deter and identify fraud, abuse, and illegal acts. Such report summary
15 shall include summaries of alternative response cases under alternative
16 response implemented in accordance with sections 28-710.01, 28-712, and
17 28-712.01 reviewed by the Inspector General. The summaries shall not
18 contain any confidential or identifying information concerning the
19 subjects of the reports and investigations.

20 Sec. 21. Section 43-4332, Revised Statutes Cumulative Supplement,
21 2022, is amended to read:

22 ~~43-4332~~ Any person who has authority to recommend, approve, direct,
23 or otherwise take or affect personnel action shall not, with respect to
24 such authority:

25 (1) Take personnel action against an employee because of the
26 disclosure of information by the employee to the office which the
27 employee reasonably believes evidences wrongdoing under the Office of
28 Inspector General of Nebraska Child Welfare Act;

29 (2) Take personnel action against an employee as a reprisal for the
30 submission of an allegation of wrongdoing under the act to the office by
31 such employee; or

1 (3) Take personnel action against an employee as a reprisal for
2 providing information or testimony pursuant to an investigation by the
3 office.

4 Sec. 22. If the Inspector General has reason to believe that any
5 public officer or employee has acted in a manner warranting criminal or
6 disciplinary proceedings, the Inspector General shall refer the matter to
7 the appropriate authorities.

8 Sec. 23. Section 47-901, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 47-901 Sections 47-901 to 47-920 and section 40 of this act shall be
11 known and may be cited as the Office of Inspector General of the Nebraska
12 Correctional System Act.

13 Sec. 24. Section 47-902, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 47-902 (1) It is the intent of the Legislature to:

16 (a) Establish a full-time program of investigation and performance
17 review to provide increased accountability and oversight of the Nebraska
18 correctional system;

19 (b) Assist in improving operations of the department and the
20 Nebraska correctional system;

21 (c) Provide an independent form of inquiry for concerns regarding
22 the actions of individuals and agencies responsible for the supervision
23 and release of persons in the Nebraska correctional system. A lack of
24 responsibility and accountability ~~between individuals and private~~
25 ~~agencies~~ in the current system makes ~~make~~ it difficult to monitor and
26 oversee the Nebraska correctional system; and

27 (d) Provide a process for investigation and review in order to
28 improve policies and procedures of the correctional system.

29 (2) It is not the intent of the Legislature in enacting the Office
30 of Inspector General of the Nebraska Correctional System Act to interfere
31 with the duties of the Legislative Auditor or the Legislative Fiscal

1 Analyst or to interfere with the statutorily defined investigative
2 responsibilities or prerogatives of any officer, agency, board, bureau,
3 commission, association, society, or institution of the executive branch
4 of state government, except that the act does not preclude an inquiry on
5 the sole basis that another agency has the same responsibility. The act
6 shall not be construed to interfere with or supplant the responsibilities
7 or prerogatives of the Governor to investigate, monitor, and report on
8 the activities of the agencies, boards, bureaus, commissions,
9 associations, societies, and institutions of the executive branch under
10 his or her administrative direction.

11 Sec. 25. Section 47-903, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 47-903 For purposes of the Office of Inspector General of the
14 Nebraska Correctional System Act, the following definitions apply:

15 (1) Administrator means a person charged with administration of: (a)
16 A a program, an office, or a division of the department, (b) the Division
17 of Parole Supervision, or (c) administration of a private agency;

18 (2) Department means the Department of Correctional Services;

19 (3) Director means the Director of Correctional Services;

20 (4) Division means the Division of Parole Supervision—means the
21 division created pursuant to section 83-1,100;

22 (5) Inspector General means the Inspector General of the Nebraska
23 Correctional System appointed under section 47-904;

24 (6) Malfeasance means a wrongful act that the actor has no legal
25 right to do or any wrongful conduct that affects, interrupts, or
26 interferes with performance of an official duty;

27 (7) Management means supervision of subordinate employees;

28 (8) Misfeasance means the improper performance of some act that a
29 person may lawfully do;

30 (9) Obstruction means hindering an investigation, preventing an
31 investigation from progressing, stopping or delaying the progress of an

1 investigation, or making the progress of an investigation difficult or
2 slow;

3 (10) Office means the office of Inspector General of the Nebraska
4 Correctional System and includes the Inspector General and other
5 employees of the office;

6 (11) Parole director means the director of the division;

7 (12) (11) Private agency means an entity that contracts with the
8 department or division or contracts to provide services to another entity
9 that contracts with the department or division; and

10 (13) (12) Record means any recording in written, audio, electronic
11 transmission, or computer storage form, including, but not limited to,
12 drafts a draft, memorandums memorandum, notes note, reports report,
13 computer printouts printout, notations notation, messages or message, and
14 includes, but is not limited to, medical records, mental health records,
15 case files, clinical records, financial records, and administrative
16 records.

17 Sec. 26. Section 47-904, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 47-904 (1) The office of Inspector General of the Nebraska
20 Correctional System is created within the office of Public Counsel for
21 the purpose of conducting investigations, audits, inspections, and other
22 reviews of the Nebraska correctional system. The Inspector General shall
23 be appointed by the Public Counsel with approval from the chairperson of
24 the Executive Board of the Legislative Council and the chairperson of the
25 Judiciary Committee of the Legislature.

26 (2) The Inspector General shall be appointed for a term of five
27 years and may be reappointed. The Inspector General shall be selected
28 without regard to political affiliation and on the basis of integrity,
29 capability for strong leadership, and demonstrated ability in accounting,
30 auditing, financial analysis, law, management, public administration,
31 investigation, or criminal justice administration or other closely

1 related fields. No former or current executive or manager of the
2 department or division shall be appointed Inspector General within five
3 years after such former or current executive's or manager's period of
4 service with the department or division. Not later than two years after
5 the date of appointment, the Inspector General shall obtain certification
6 as a Certified Inspector General by the Association of Inspectors
7 General, its successor, or another nationally recognized organization
8 that provides and sponsors educational programs and establishes
9 professional qualifications, certifications, and licensing for inspectors
10 general. During his or her employment, the Inspector General shall not be
11 actively involved in partisan affairs.

12 (3) The Inspector General shall employ such investigators and
13 support staff as he or she deems necessary to carry out the duties of the
14 office within the amount available by appropriation through the office of
15 Public Counsel for the office of Inspector General of the Nebraska
16 Correctional System. The Inspector General shall be subject to the
17 control and supervision of the Public Counsel, except that removal of the
18 Inspector General shall require approval of the chairperson of the
19 Executive Board of the Legislative Council and the chairperson of the
20 Judiciary Committee of the Legislature.

21 Sec. 27. Section 47-905, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 47-905 (1) The office shall investigate:

24 (a) Allegations or incidents of possible misconduct, misfeasance,
25 malfeasance, or violations of statutes or of rules or regulations of the
26 department or division by an employee of or a person under contract with
27 the department or division or a private agency; and

28 (b) Death or serious injury of individuals committed to the
29 department or under the supervision of the division in private agencies,
30 department correctional facilities, and other programs and facilities
31 licensed by or under contract with the department. The department or

1 ~~division shall report all such incidents cases of death or serious injury~~
2 ~~of a person in a private agency, department correctional facility or~~
3 ~~program, or other program or facility licensed by the department to the~~
4 Inspector General as soon as reasonably possible after the department or
5 division learns of such death or serious injury. The department or
6 division shall also report all cases of the death or serious injury of an
7 employee when acting in his or her capacity as an employee of the
8 department or division as soon as reasonably possible after the
9 department or division learns of such death or serious injury. The
10 department or division shall also report all cases when an employee is
11 hospitalized in response to an injury received when acting in his or her
12 capacity as an employee of the department or division as soon as
13 reasonably possible after the department or division learns of such
14 hospitalization. For purposes of this subdivision, serious injury means
15 an injury which requires urgent and immediate medical treatment and
16 restricts the injured person's usual activity.

17 (2) Any investigation conducted by the Inspector General shall be
18 independent of and separate from an investigation pursuant to sections
19 23-1821 to 23-1823.

20 (3) Notwithstanding the fact that a criminal investigation, a
21 criminal prosecution, or both are in progress, all law enforcement
22 agencies and prosecuting attorneys shall cooperate with any investigation
23 conducted by the Inspector General and shall, immediately upon request by
24 the Inspector General, provide the Inspector General with copies of all
25 law enforcement reports which are relevant to the Inspector General's
26 investigation. All law enforcement reports which have been provided to
27 the Inspector General pursuant to this section are not public records for
28 purposes of sections 84-712 to 84-712.09 and shall not be subject to
29 discovery by any other person or entity. Except to the extent that
30 disclosure of information is otherwise provided for in the Office of
31 Inspector General of the Nebraska Correctional System Act, the Inspector

1 General shall maintain the confidentiality of all law enforcement reports
2 received pursuant to its request under this section. Law enforcement
3 agencies and prosecuting attorneys shall, when requested by the Inspector
4 General, collaborate with the Inspector General regarding all other
5 information relevant to the Inspector General's investigation. If the
6 Inspector General in conjunction with the Public Counsel determines it
7 appropriate, the Inspector General may, when requested to do so by a law
8 enforcement agency or prosecuting attorney, suspend an investigation by
9 the office until a criminal investigation or prosecution is completed or
10 has proceeded to a point that, in the judgment of the Inspector General,
11 reinstatement of the Inspector General's investigation will not impede or
12 infringe upon the criminal investigation or prosecution.

13 (4) The office may conduct other investigations, audits,
14 inspections, and reviews as necessary to perform the duties of the office
15 and fulfill the purposes of the Office of Inspector General of the
16 Nebraska Correctional System Act.

17 Sec. 28. Section 47-907, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 47-907 (1) Complaints to the office may be made in writing. A
20 complaint shall be evaluated to determine if it alleges possible
21 misconduct, misfeasance, malfeasance, or violation of a statute or of
22 rules and regulations of the department or division by an employee of or
23 a person under contract with the department or division or a private
24 agency. All complaints shall be evaluated to determine whether a full
25 investigation is warranted.

26 (2) The office shall not conduct a full investigation of a complaint
27 unless:

28 (a) The complaint alleges misconduct, misfeasance, malfeasance, or
29 violation of a statute or of rules and regulations of the department or
30 division;

31 (b) The complaint is against a person within the jurisdiction of the

1 office; and

2 (c) The allegations can be independently verified through
3 investigation.

4 (3) The Inspector General shall determine ~~within fourteen days~~ after
5 receipt of a complaint whether the office will conduct a full
6 investigation.

7 (4) When a full investigation is opened on a private agency that
8 contracts with the department or division, the Inspector General shall
9 give notice of such investigation to the department or division.

10 Sec. 29. Section 47-908, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 47-908 (1) The office shall have access to all information and
13 personnel necessary to perform the duties of the office.

14 (2) All employees of the department, all employees of the division
15 ~~Division of Parole Supervision~~, and all owners, operators, managers,
16 supervisors, and employees of private agencies shall cooperate with the
17 office. Cooperation includes, but is not limited to, the following:

18 (a) (1) Provision of full access to, and production of, records and
19 information. Providing access to and producing records and information
20 for the office is not a violation of confidentiality provisions under any
21 statute, rule, or regulation if done in good faith for purposes of an
22 ~~investigation~~ under the Office of Inspector General of the Nebraska
23 Correctional System Act;

24 (b) (2) Fair and honest disclosure of records and information
25 reasonably requested by the office in the course of an investigation
26 under the act;

27 (c) (3) Encouraging employees to fully comply with reasonable
28 requests of the office in the course of an investigation under the act;

29 (d) (4) Prohibition of retaliation by owners, operators, or managers
30 against employees for providing records or information or filing or
31 otherwise making a complaint to the office;

1 (e) ~~(5)~~ Not requiring employees to gain supervisory approval prior
2 to filing a complaint with, or providing records or information to, the
3 office; and

4 (f) Not requiring employees to report the filing of a complaint with
5 the office.

6 ~~(6) Provision of complete and truthful answers to questions posed by~~
7 ~~the office in the course of an investigation; and~~

8 ~~(7) Not willfully interfering with or obstructing the investigation.~~

9 Sec. 30. Section 47-909, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 47-909 Failure to cooperate with an ~~investigation~~ by the office may
12 result in public disclosure of the failure to cooperate discipline or
13 other sanctions.

14 Sec. 31. Section 47-910, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 47-910 The Inspector General may issue a subpoena, enforceable by
17 action in an appropriate court, to compel any person to appear, give
18 sworn testimony, or produce documentary or other evidence deemed relevant
19 to a matter under his or her inquiry. A person thus required to provide
20 information shall be paid the same fees and travel allowances and shall
21 be accorded the same privileges and immunities as are extended to
22 witnesses in the district courts of this state and shall also be entitled
23 to have personal counsel present while being questioned.

24 Sec. 32. Section 47-911, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 47-911 (1) A full investigation conducted by the office shall
27 consist of: Access to and retrieval of all relevant records through
28 subpoena, compliance with a request of the office, or voluntary
29 production; review of all relevant records; and interviews of all
30 relevant persons ~~In conducting investigations, the office shall access~~
31 ~~all relevant records through subpoena, compliance with a request by the~~

1 ~~office, and voluntary production.~~ The office may request or subpoena any
2 record necessary for the investigation from the department, the division,
3 or a private agency that is pertinent to an investigation. All case
4 files, licensing files, medical records, financial and administrative
5 records, and records required to be maintained pursuant to applicable
6 licensing rules shall be produced for review by the office in the course
7 of an investigation.

8 (2) Compliance with a request of the office includes:

9 (a) Production of all records requested;

10 (b) A diligent search to ensure that all appropriate records are
11 included; ~~and~~

12 (c) A continuing obligation to immediately forward to the office any
13 relevant records received, located, or generated after the date of the
14 request; ~~-~~

15 (d) Provision of complete and truthful answers to questions posed by
16 the office in the course of an investigation; and

17 (e) Not willfully interfering with or obstructing the investigation.

18 (3) The office shall seek access in a manner that respects the
19 dignity and human rights of all persons involved, maintains the integrity
20 of the investigation, and does not unnecessarily disrupt department or
21 division programs or services. ~~When advance notice to an administrator or~~
22 ~~his or her designee is not provided, the office investigator shall, upon~~
23 ~~arrival at the departmental office, bureau, or division or private~~
24 ~~agency, request that an onsite employee notify the administrator or his~~
25 ~~or her designee of the investigator's arrival.~~

26 (4) When circumstances of an investigation require, the office may
27 make an announced or unannounced visit to a departmental office, bureau,
28 or division, a department correctional facility, a parole office, or a
29 private agency to request records relevant to an investigation.

30 (5) A responsible individual or an administrator may be asked to
31 sign a statement of record integrity and security when a record is

1 secured by request as the result of a visit by the office, stating:

2 (a) That the responsible individual or the administrator has made a
3 diligent search of the office, bureau, division, private agency, or
4 department correctional facility to determine that all appropriate
5 records in existence at the time of the request were produced;

6 (b) That the responsible individual or the administrator agrees to
7 immediately forward to the office any relevant records received, located,
8 or generated after the visit;

9 (c) The persons who have had access to the records since they were
10 secured; and

11 (d) Whether, to the best of the knowledge of the responsible
12 individual or the administrator, any records were removed from or added
13 to the record since it was secured.

14 (6) The office shall permit a responsible individual, an
15 administrator, or an employee of a departmental office, bureau, or
16 division, a private agency, or a department correctional facility to make
17 photocopies of the original records within a reasonable time in the
18 presence of the office for purposes of creating a working record in a
19 manner that assures confidentiality.

20 (7) The office shall present to the responsible individual or the
21 administrator or other employee of the departmental office, bureau, or
22 division, private agency, or department correctional facility a copy of
23 the request, stating the date and the titles of the records received.

24 (8) If an original record is provided during an investigation, the
25 office shall return the original record as soon as practical but no later
26 than ten business working days after the date of the compliance request.

27 (9) All investigations conducted by the office shall be conducted in
28 a manner designed to ensure the preservation of evidence for possible use
29 in a criminal prosecution.

30 Sec. 33. Section 47-912, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 47-912 (1) Reports of investigations conducted by the office shall
2 not be distributed beyond the entity that is the subject of the report
3 without the consent of the Inspector General.

4 (2) The office shall redact confidential information before
5 distributing a report of an investigation.

6 (3) The office may disclose confidential information to the
7 chairperson of the Judiciary Committee of the Legislature when such
8 disclosure is, in the judgment of the Public Counsel, desirable to keep
9 the chairperson informed of important events, issues, and developments in
10 the Nebraska correctional system.

11 (4)(a) ~~(3)(a)~~ A summarized final report based on an investigation
12 may be publicly released in order to bring awareness to systemic issues.

13 (b) Such report shall be released only:

14 (i) After a disclosure is made to the chairperson pursuant to
15 subsection (3) ~~(2)~~ of this section; and

16 (ii) If a determination is made by the Inspector General with the
17 chairperson that doing so would be in the best interest of the public.

18 (c) If there is disagreement about whether releasing the report
19 would be in the best interest of the public, the chairperson of the
20 Executive Board of the Legislative Council may be asked to make the final
21 decision.

22 (5) ~~(4)~~ Records and documents, regardless of physical form, that are
23 obtained or produced by the office in the course of an investigation are
24 not public records for purposes of sections 84-712 to 84-712.09. Reports
25 of investigations conducted by the office are not public records for
26 purposes of sections 84-712 to 84-712.09.

27 (6) ~~(5)~~ The office may withhold the identity of sources of
28 information to protect from retaliation any person who files a complaint
29 or provides information in good faith pursuant to the Office of Inspector
30 General of the Nebraska Correctional System Act.

31 Sec. 34. Section 47-913, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 47-913 The department shall provide the office of Public Counsel and
3 the office of Inspector General with direct computer access to all
4 computerized records, reports, and documents maintained by the department
5 in connection with administration of the Nebraska correctional system.
6 ~~The , except that the~~ Public Counsel's and Inspector General's access to
7 an inmate's medical or mental health records shall be subject to the
8 inmate's consent unless the inmate's death is being investigated pursuant
9 to subsection (1)(b) of section 47-905.

10 Sec. 35. Section 47-914, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 47-914 (1) The Inspector General's report of an investigation shall
13 be in writing to the Public Counsel and may shall contain
14 recommendations. The report may recommend systemic reform or case-
15 specific action, including a recommendation for discharge or discipline
16 of employees or for sanctions against a private agency. All
17 recommendations to pursue discipline shall be in writing and signed by
18 the Inspector General. A report of an investigation shall be presented to
19 the director or parole director after the Inspector General has received
20 the report, along with any specific input from the Public Counsel, within
21 fifteen business days after the report is presented to the Public
22 Counsel.

23 (2) Any person receiving a report under this section shall not
24 further distribute the report or any confidential information contained
25 in the report. The report shall not be distributed beyond the parties
26 except through the appropriate court procedures to the judge.

27 (3) A report that identifies misconduct, misfeasance, malfeasance,
28 violation of statute, or violation of rules and regulations by an
29 employee of the department, the division, or a private agency that is
30 relevant to providing appropriate supervision of an employee may be
31 shared with the employer of such employee. The employer shall ~~may~~ not

1 further distribute the report or any confidential information contained
2 in the report.

3 Sec. 36. Section 47-915, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 47-915 (1) Within fifteen business days after a report is presented
6 to the director or parole director under section 47-914, he or she shall
7 determine whether to accept, reject, or request in writing modification
8 of the recommendations contained in the report. The Inspector General,
9 with input from the Public Counsel, may consider such ~~the director's~~
10 request for modifications but is not obligated to accept the ~~such~~
11 request. Such report shall become final upon the decision of the director
12 or parole director to accept or reject the recommendations in the report
13 or, if the director or parole director requests modifications, within
14 fifteen business days after such request or after the Inspector General
15 responds to ~~incorporates~~ such modifications, whichever occurs earlier. If
16 the Inspector General does not accept a requested modification, the
17 recommendation for which the modification was requested shall be
18 considered to be rejected by the director or parole director.

19 (2) Within fifteen business days after the report is presented to
20 the director or parole director, the report shall be presented to the
21 private agency or other provider of correctional or parole services that
22 is the subject of the report and to persons involved in the
23 implementation of the recommendations in the report. Within fifteen
24 business ~~forty-five~~ days after receipt of the report, the private agency
25 or other provider may submit a written response to the office to correct
26 any factual errors in the report. The Inspector General, with input from
27 the Public Counsel, shall consider all materials submitted under this
28 subsection to determine whether a corrected report shall be issued. If
29 the Inspector General determines that a corrected report is necessary,
30 the corrected report shall be issued within fifteen business days after
31 receipt of the written response.

1 (3) If the Inspector General does not issue a corrected report
2 pursuant to subsection (2) of this section or if the corrected report
3 does not address all issues raised in the written response, the private
4 agency or other provider may request that its written response, or
5 portions of the response, be appended to the report or corrected report.

6 Sec. 37. Section 47-918, Reissue Revised Statutes of Nebraska, is
7 amended to read:

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

26 Sec. 38. Section 47-919, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 47-919 The Division of Parole Supervision shall provide the office
29 of Public Counsel and the office of Inspector General with direct
30 computer access to all computerized records, reports, and documents
31 maintained in connection with administration of the Nebraska parole

1 system. The office of Public Counsel's ~~, except that access for the~~
2 ~~Public Counsel~~ and the office of Inspector General's access Inspector
3 ~~General~~ to a parolee's medical or mental health records shall be subject
4 to the parolee's consent unless the parolee's death is being investigated
5 pursuant to subsection (1)(b) of section 47-905.

6 Sec. 39. Section 47-920, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 47-920 Any person who has authority to recommend, approve, direct,
9 or otherwise take or affect personnel action shall not, with respect to
10 such authority:

11 (1) Take personnel action against an employee because of the
12 disclosure of information by the employee to the office which the
13 employee reasonably believes evidences wrongdoing under the Office of
14 Inspector General of the Nebraska Correctional System Act;

15 (2) Take personnel action against an employee as a reprisal for the
16 submission of an allegation of wrongdoing under the act to the office by
17 such employee; or

18 (3) Take personnel action against an employee as a reprisal for
19 providing information or testimony pursuant to actions initiated and
20 undertaken an investigation by the office.

21 Sec. 40. If the Inspector General has reason to believe that any
22 public officer or employee has acted in a manner warranting criminal or
23 disciplinary proceedings, the Inspector General shall refer the matter to
24 the appropriate authorities.

25 Sec. 41. Section 81-8,244, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 81-8,244 (1)(a) The Public Counsel may select, appoint, and
28 compensate as he or she sees fit, within the amount available by
29 appropriation, such assistants and employees as he or she deems necessary
30 to discharge the responsibilities under sections 81-8,240 to 81-8,254. He
31 or she shall appoint and designate one assistant to be a deputy public

1 counsel, one assistant to be a deputy public counsel for corrections, one
2 assistant to be a deputy public counsel for institutions, and one
3 assistant to be a deputy public counsel for welfare services.

4 (b) Such deputy public counsels shall be subject to the control and
5 supervision of the Public Counsel.

6 (c) The authority of the deputy public counsel for corrections shall
7 extend to all facilities and parts of facilities, offices, houses of
8 confinement, and institutions which are operated by the Department of
9 Correctional Services and all county or municipal correctional or jail
10 facilities.

11 (d) The authority of the deputy public counsel for institutions
12 shall extend to all mental health institutions and facilities operated by
13 the Department of Health and Human Services, to all veterans institutions
14 operated by the Department of Veterans' Affairs, and to all regional
15 behavioral health authorities that provide services and all community-
16 based behavioral health services providers that contract with a regional
17 behavioral health authority to provide services, for any individual who
18 was a patient within the prior twenty-four months of a state-owned and
19 state-operated regional center, and to all complaints pertaining to
20 administrative acts of the department, authority, or provider when those
21 acts are concerned with the rights and interests of individuals placed
22 within those institutions and facilities or receiving community-based
23 behavioral health services.

24 (e) The authority of the deputy public counsel for welfare services
25 shall extend to all complaints pertaining to administrative acts of
26 administrative agencies when those acts are concerned with the rights and
27 interests of individuals involved in the welfare services system of the
28 State of Nebraska.

29 (f) The Public Counsel may delegate to members of the staff any
30 authority or duty under sections 81-8,240 to 81-8,254 except the power of
31 delegation and the duty of formally making recommendations to

1 administrative agencies or reports to the Governor or the Legislature.

2 (2) The Public Counsel shall appoint the Inspector General of
3 Nebraska Child Welfare as provided in section 7 of this act ~~43-4317~~. The
4 Inspector General of Nebraska Child Welfare shall have the powers and
5 duties provided in the Office of Inspector General of Nebraska Child
6 Welfare Act.

7 (3) The Public Counsel shall appoint the Inspector General of the
8 Nebraska Correctional System as provided in section 47-904. The Inspector
9 General of the Nebraska Correctional System shall have the powers and
10 duties provided in the Office of Inspector General of the Nebraska
11 Correctional System Act.

12 Sec. 42. Section 83-178, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 83-178 (1) The director shall establish and maintain, in accordance
15 with the regulations of the department, an individual file for each
16 person committed to the department. Each individual file shall include,
17 when available and appropriate, the following information on such person:

- 18 (a) His or her admission summary;
- 19 (b) His or her presentence investigation report;
- 20 (c) His or her classification report and recommendation;
- 21 (d) Official records of his or her conviction and commitment as well
22 as any earlier criminal records;
- 23 (e) Progress reports and admission-orientation reports;
- 24 (f) Reports of any disciplinary infractions and of their
25 disposition;
- 26 (g) His or her parole plan; and
- 27 (h) Other pertinent data concerning his or her background, conduct,
28 associations, and family relationships.

29 (2) Any decision concerning the classification, reclassification,
30 transfer to another facility, preparole preparation, or parole release of
31 a person committed to the department shall be made only after his or her

1 file has been reviewed. The content of the file shall be confidential and
2 shall not be subject to public inspection except by court order for good
3 cause shown and shall not be accessible to any person committed to the
4 department. An inmate may obtain access to his or her medical records by
5 request to the provider pursuant to sections 71-8401 to 71-8407
6 notwithstanding the fact that such medical records may be a part of his
7 or her individual department file. The department retains the authority
8 to withhold mental health and psychological records of the inmate when
9 appropriate.

10 (3) The program of each person committed to the department shall be
11 reviewed at regular intervals and recommendations shall be made to the
12 chief executive officer concerning changes in such person's program of
13 treatment, training, employment, care, and custody as are considered
14 necessary or desirable.

15 (4) The chief executive officer of the facility shall have final
16 authority to determine matters of treatment classification within his or
17 her facility and to recommend to the director the transfer of any person
18 committed to the department who is in his or her custody.

19 (5) The director may at any time order a person committed to the
20 department to undergo further examination and study for additional
21 recommendations concerning his or her classification, custodial control,
22 and rehabilitative treatment.

23 (6) Nothing in this section shall be construed to limit in any
24 manner the authority of the Public Counsel to inspect and examine the
25 records and documents of the department pursuant to sections 81-8,240 to
26 81-8,254, except that the Public Counsel's access to an inmate's medical
27 or mental health records shall be subject to the inmate's consent unless
28 the inmate's death is being investigated by the office of the Public
29 Counsel. The office of Public Counsel shall not disclose an inmate's
30 medical or mental health records to anyone else, including any person
31 committed to the department, except as authorized by law.

1 Sec. 43. Original sections 28-711, 43-4302, 43-4303, 43-4317,
2 43-4320, 43-4321, 43-4322, 43-4324, 43-4326, 43-4329, 43-4330, 47-901,
3 47-902, 47-903, 47-904, 47-905, 47-907, 47-908, 47-909, 47-910, 47-911,
4 47-912, 47-913, 47-914, 47-915, 47-918, 47-919, 47-920, and 83-178,
5 Reissue Revised Statutes of Nebraska, and sections 28-712.01, 43-2,108,
6 43-4301, 43-4318, 43-4323, 43-4325, 43-4327, 43-4328, 43-4331, 43-4332,
7 and 81-8,244, Revised Statutes Cumulative Supplement, 2022, are repealed.

8 Sec. 44. The following sections are outright repealed: Sections
9 43-4304, 43-4304.01, 43-4304.02, 43-4305, 43-4306, 43-4306.01, 43-4307,
10 43-4307.01, 43-4308, 43-4309, 43-4310, 43-4311, 43-4312, 43-4313,
11 43-4314, 43-4315, 43-4316, 43-4319, and 47-906, Reissue Revised Statutes
12 of Nebraska.