



Attorney General Jon Bruning

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# NEWS RELEASE

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**Note:** Sound bites will be available shortly at: <http://www.ago.ne.gov>

## **Focus on Law Enforcement for Attorney General's 2012 Legislative Package**

LINCOLN - Attorney General Jon Bruning today unveiled his 2012 legislative package that includes four measures that enhance criminal penalties and provide more protections for Nebraskans.

The first bill bans the class of chemicals used to manufacture products marketed as *bath salts*. The second bill increases the penalty for concealing the death of another. The third bill creates felony charges for negligent child abuse resulting in serious injury or death. The final bill imposes a limit on how many frivolous lawsuits inmates can file.

### **Bath Salts Ban**

The bill amends the Uniformed Controlled Substances Act to include the class of synthetic materials used to make the drugs marketed and sold as bath salts. Bath salts are made from chemical compounds similar to amphetamine, which cause users to experience a euphoric high when snorted, eaten, smoked or injected. Users may also experience hallucinations, paranoia, confusion, rapid heartbeat, hypertension, insomnia, nausea, chills, kidney pain and dizziness. The mental and physical effects from ingesting or inhaling these compounds are potentially deadly.

“Online sources make these drugs relatively inexpensive to purchase and easy to get” said Bruning. “Nebraska must act decisively to ban these drugs and keep them out of the hands of our kids.”

In October 2011, the DEA announced a one-year ban on three specific chemicals used to manufacture the drug while the agency conducts further study. However, there are multiple formulas used to create bath salts which are sold under different brand names. The Attorney General's bill addresses various formulations of the drug.

State Senator Ken Schilz of Ogallala is sponsoring the bill.

“We are seeing these drugs in the rural areas as well as larger cities,” said Sen. Schilz. “Now is the time for us to protect kids in all Nebraska communities from these dangerous drugs. These drugs are being designed to skirt the law. Laws like this are needed in order to combat the ever changing landscape of designer drugs.”

Under this bill, the penalties for possessing bath salts mirror those currently in statute for possession of methamphetamine.

Currently, bath salts are banned in at least 38 states including Missouri, Kansas and Wyoming.

### **Concealing the Death of Another**

This bill increases the penalty for concealing the death of another person and specifically criminalizes attempts to prevent the discovery of human remains.

“Concealing a body compromises the crime scene and hinders prosecution efforts,” said Bruning “This bill helps ensure criminals are held accountable for their crimes.”

The bill increases the penalty for concealing the death of another or an attempt to prevent discovery of human remains from a misdemeanor to a Class III felony, punishable by not less than one year and not more than twenty years in prison. The bill also establishes the crime will be treated as a separate and distinct offense with any sentences imposed to be served consecutively. Under this legislation, it will be one crime to kill and another to conceal.

State Senator Tony Fulton of Lincoln is sponsoring the measure.

“Hiding evidence shouldn’t allow criminals to get off with an easier sentence,” said Sen. Fulton. “This bill provides another layer of accountability and appropriate penalties for concealing the death of another.”

### **Enhanced Penalties for Negligent Child Abuse**

This bill closes a gap in the Nebraska Criminal Code and creates felony offenses related to negligent child abuse. The measure establishes that negligent child abuse that results in the death of a child is a Class II felony and negligent child abuse that results in serious bodily injury to a child is a Class III felony. In addition, it clarifies that negligent child abuse is a Class I misdemeanor only if it does not result in death or serious bodily injury of a child.

Currently, negligent child abuse is charged as a misdemeanor.

“A misdemeanor is not an appropriate remedy when a person has caused the death of another, especially that of a child,” said Bruning. “The bill works to ensure the penalty fits the crime.”

Currently in Nebraska, if a person unintentionally kills another while in the commission of an unlawful act, he or she is guilty of manslaughter, a class III felony. However, a person whose negligent abuse of a child has led to either serious bodily injury or death is only guilty of a misdemeanor.

State Sen. Abbie Cornett of Bellevue is sponsoring the bill.

“Current law fails to place as much value on the life of a child as it does adults in our state,” said Sen. Cornett. “This legislation corrects what both I and the Attorney General believe is an injustice that requires immediate action.”

In 13 states, child abuse that results in serious bodily injury or death is a felony.

### **PLRA**

The Nebraska Prison Litigation Reform Act would restrict inmates from filing suit in state court at public expense if they previously brought three or more civil cases determined by the court to be frivolous. This bill, modeled after the federal Prison Litigation Reform Act (PLRA), is intended to save taxpayer dollars as well as unclog state court systems. This legislation, however, would not prevent inmates from proceeding at public expense if they are in imminent danger of serious bodily injury.

*Excessive Inmate Litigation*

Former Nebraska inmate Billy Roy Tyler filed 665 cases following his conviction, including 88 cases in one year. In 2007, Eric Lewis, while incarcerated at the Lancaster County Jail on a murder charge, filed more than 60 cases in a single day. In Nebraska, other examples of abuse of the system since 2000 include: Dukhan Mumin, 78 cases; Frankie Levi Cole, 70 cases; and Robert Hilliard, 65 cases.

“Frivolous lawsuits waste taxpayer money and the court’s time,” said Bruning. “Nebraska’s court system shouldn’t be bogged-down by inmates who repeatedly abuse our justice system.”

State Sen. Scott Lautenbaugh of Omaha is sponsoring the bill.

“This bill will reduce time and taxpayer money wasted by limiting the current practice that allows unchecked numbers of frivolous lawsuits to go forward,” said Sen. Lautenbaugh.

Currently 16 states, including Iowa, have adopted a similar state version of the federal PLRA.

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