

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 402**

Introduced by Howard, 9.

Read first time January 13, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to social workers; to amend sections 28-310,  
2 38-2101, and 38-2128, Reissue Revised Statutes of  
3 Nebraska; to change penalties relating to assault in the  
4 third degree; to provide requirements for safety  
5 awareness training; to harmonize provisions; and to  
6 repeal the original sections.

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

1                   Section 1. Section 28-310, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   28-310 (1) A person commits the offense of assault in the  
4 third degree if he or she:

5                   (a) Intentionally, knowingly, or recklessly causes bodily  
6 injury to another person; or

7                   (b) Threatens another in a menacing manner.

8                   (2) Assault in the third degree shall be a Class I  
9 misdemeanor, except that (a) assault in the third degree on a social  
10 worker acting in his or her official capacity is a Class IV felony  
11 and (b) assault in the third degree unless committed in a fight or  
12 scuffle entered into by mutual consent, ~~in which case it shall be~~ is  
13 a Class II misdemeanor.

14                   Sec. 2. Section 38-2101, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16                   38-2101 Sections 38-2101 to 38-2139 and section 4 of this  
17 act shall be known and may be cited as the Mental Health Practice  
18 Act.

19                   Sec. 3. Section 38-2128, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21                   38-2128 (1) A person shall be qualified to be a certified  
22 master social worker if he or she:

23                   (a) Has a doctorate or a master's degree in social work  
24 from an approved educational program;

25                   (b) Has had a minimum of at least three thousand hours of

1 experience, in addition to the master's or doctorate degree, in  
2 social work under the supervision as defined in section 38-2127 of a  
3 certified master social worker;

4 (c) Provides evidence to the department that he or she  
5 meets the requirements of subdivisions (1)(a) and (1)(b) of this  
6 section and has completed no fewer than six hours of social worker  
7 safety awareness training; and

8 (d) Completes an application and satisfactorily passes an  
9 examination approved by the board.

10 (2) A person shall be qualified to be a certified social  
11 worker if he or she provides evidence to the board that he or she has  
12 a baccalaureate or master's degree in social work from an approved  
13 educational program and has completed no fewer than six hours of  
14 social worker safety awareness training and completes an application  
15 form.

16 Sec. 4. On and after January 1, 2012, in addition to the  
17 requirements of section 38-146, an applicant for renewal of  
18 certification as a certified social worker or a certified master  
19 social worker shall complete no fewer than six hours of social worker  
20 safety awareness training if such applicant has not previously  
21 presented evidence to the department that he or she has completed  
22 such social worker safety awareness training.

23 Sec. 5. Any person employed by the Department of Health  
24 and Human Services or by an entity contracting with the department  
25 who provides direct social services or casework and is not licensed

1 or certified under the Mental Health Practice Act shall complete no  
2 fewer than six hours of social worker safety awareness training  
3 within the first thirty days of his or her employment by the  
4 department or such entity.

5           Sec. 6. Original sections 28-310, 38-2101, and 38-2128,  
6 Reissue Revised Statutes of Nebraska, are repealed.