



## LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS

### Nebraska Fact Sheet

## Obstructing Government Operations

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C., have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but two, Louisiana and Oklahoma, include protections for state **and** local officials. Below is more information on Nebraska's relevant law.

### Nebraska Revised Statutes, § 28-901 Obstructing Government Operations

(1) A person commits the offense of obstructing government operations if he intentionally obstructs, impairs, or perverts the administration of law or other governmental functions by force, violence, physical interference or obstacle, breach of official duty, or any other unlawful act, except that this section does not apply to flight by a person charged with crime, refusal to submit to arrest, failure to perform a legal duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions.

(2) Obstructing government operations is a Class I misdemeanor.

### Relevant Definitions

#### Nebraska Revised Statutes, § 28-916.01

Government shall include any branch, subdivision, or agency of the government of the state or any locality within it.

### Penalties



## **Nebraska Revised Statutes, § 28-106**

Up to 1 year imprisonment and/or up to a \$1,000 fine

### **Summary**

A person is guilty of obstructing government operations when he/she obstructs, impairs, or perverts the administration of law or other governmental functions by force, violence, physical interference or obstacle, breach of official duty, or any other unlawful act. "Government" includes any branch, subdivision, or agency of the government of the state. If convicted, a person faces up to 1 year imprisonment and/or up to a \$1,000 fine.

### **Template for Notifying Violators**

**Below is a sample template for notifying individuals regarding their conduct relative to the code.**

**Nebraska Revised Statutes, § 28-901** prohibits obstructing government operations. [insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email to the Nebraska Governor threatening his life if he announced a mask mandate.] *This may constitute a violation of § 28-901. If convicted, you face up to 1 year imprisonment and a fine of up to \$1,000.*

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*