

LEGISLATIVE BILL 254

Approved by the Governor February 28, 1994

Introduced by Kristensen, 37; Wickersham, 49

AN ACT relating to law enforcement; to amend section 60-489, Revised Statutes Supplement, 1992; to provide for law enforcement and the arrest and detention of an offender in other jurisdictions in this state as prescribed; to require liability insurance; to harmonize provisions; to repeal the original section; and to declare an emergency.

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

Section 1. (1) Every sheriff, deputy sheriff, marshal, deputy marshal, police officer, or peace officer as defined in subdivision (15) of section 49-801 shall have the power and authority to enforce the laws of this state and of the political subdivision which employs the law enforcement officer or otherwise perform the functions of that office anywhere within his or her primary jurisdiction. Primary jurisdiction shall mean the geographic area within territorial limits of the state or political subdivision which employs the law enforcement officer.

(2) Any such law enforcement officer who is within this state, but beyond the territorial limits of his or her primary jurisdiction, shall have the power and authority to enforce the laws of this state or any legal ordinance of any city or incorporated village or otherwise perform the functions of his or her office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within the territorial limits of his or her primary jurisdiction in the following cases:

(a) Any such law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a felony, may follow such person into any other jurisdiction in this state and there arrest and detain such person and return such person to the law enforcement officer's primary jurisdiction;

(b) Any such law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a misdemeanor or a traffic infraction, may follow such person anywhere in an area within twenty-five miles of the boundaries of the law enforcement officer's primary jurisdiction and there arrest and detain such person and return such person to the law enforcement officer's primary jurisdiction;

(c) Any such law enforcement officer shall have such enforcement and arrest and detention authority when responding to a call in which a local, state, or federal law enforcement officer is in need of assistance. A law enforcement officer in need of assistance shall mean (i) a law enforcement officer whose life is in danger or (ii) a law enforcement officer who needs assistance in making an arrest and the suspect (A) will not be apprehended unless immediately arrested, (B) may cause injury to himself or herself or others or damage to property unless immediately arrested, or (C) may destroy or conceal evidence of the commission of a crime; and

(d) Any municipality or county may, under the provisions of the Interlocal Cooperation Act, enter into a contract with any other municipality or county for law enforcement services or joint law enforcement services. Under such an agreement law enforcement personnel may have such enforcement authority within the jurisdiction of each of the participating political subdivisions if provided for in the agreement. Unless otherwise provided in the agreement each participating political subdivision shall provide liability insurance coverage for its own law enforcement personnel as provided in section 2 of this act.

Sec. 2. Each political subdivision shall self-insure or contract for insurance against liability for personal injuries or property damage that may be incurred by it or by its personnel as a result of law enforcement activity within or without its primary jurisdiction.

Sec. 3. That section 60-489, Revised Statutes Supplement, 1992, be amended to read as follows:

60-489. Every person licensed to operate motor vehicles under the Motor Vehicle Operator's License Act shall, upon receipt of the operator's license, endorse his or her signature thereon in a space provided for such purpose, and no license shall be valid until it is so endorsed. Except for a farm permit issued under section 60-4,126, the license shall at all times be carried by the licensee when operating a motor vehicle on the highways of this state and shall be presented by the licensee for examination, or he or she shall present proof of ownership of the same, upon demand by any officer,

employee, or agent of the Nebraska State Patrol or police or peace officer recognized as such by the laws of this state. Such officer, employee, or agent shall, in every case of making demand on the motor vehicle operator to show an operator's license, first display proper evidence of his or her lawful authority to act as an officer of the law. Outside incorporated villages and cities Except as provided in section 1 of this act, no officer, except an officer, agent, or employee of the Nebraska State Patrol, the Superintendent of Law Enforcement and Public Safety, the county sheriff, or their authorized deputies or subordinates, shall exercise the authority to demand presentation of an operator's license outside the boundaries of any incorporated cities and villages. A farm permit issued under section 60-4,126 need not be carried on the person but shall be produced for examination within twenty-four hours after a lawful demand therefor has been made under this section.

Sec. 4. That original section 60-489, Revised Statutes Supplement, 1992, is repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.