

AMENDMENTS TO LB 817

(Amendments to AM2603)

Introduced by Harr

1 1. Insert the following new sections:

2 Section 1. Section 23-1701.01, Reissue Revised Statutes
3 of Nebraska, is amended to read:

4 23-1701.01 (1) Any candidate for the office of sheriff
5 who does not have a law enforcement officer certificate or diploma
6 issued by the Nebraska Commission on Law Enforcement and Criminal
7 Justice shall submit with the candidate filing form required by
8 section 32-607 a standardized letter issued by the director of
9 the Nebraska Law Enforcement Training Center certifying that the
10 candidate has:

11 (a) Within one calendar year prior to the deadline
12 for filing the candidate filing form, passed a background
13 investigation performed by the Nebraska Law Enforcement Training
14 Center based on a check of his or her criminal history record
15 information maintained by the Federal Bureau of Investigation
16 through the Nebraska State Patrol. The candidate who has not
17 passed a background investigation shall apply for the background
18 investigation at least thirty days prior to the filing deadline for
19 the candidate filing form; and

20 (b) Received a minimum combined score on the reading
21 comprehension and English language portions of an adult basic
22 education examination designated by the Nebraska Law Enforcement

1 Training Center.

2 (2) Each sheriff shall attend the Nebraska Law
3 Enforcement Training Center and receive a certificate attesting
4 to satisfactory completion of the Sheriff's Certification Course
5 within eight months ~~of~~ after taking office unless such sheriff
6 has already been awarded a certificate by the Nebraska Commission
7 on Law Enforcement and Criminal Justice attesting to satisfactory
8 completion of such course or unless such sheriff can demonstrate
9 to the Nebraska Police Standards Advisory Council that his or
10 her previous training and education is such that he or she will
11 professionally discharge the duties of the office. Any sheriff
12 in office prior to July 19, 1980, shall not be required to
13 obtain a certificate attesting to satisfactory completion of the
14 Sheriff's Certification Course but shall otherwise be subject to
15 this section. ~~Each~~ Notwithstanding sections 81-1401 to 81-1414.06
16 and sections 13 to 16 of this act, each sheriff shall attend
17 twenty hours of continuing education in criminal justice and law
18 enforcement courses approved by the council each year following
19 the first year of such sheriff's term of office. Such continuing
20 education shall be offered through seminars, advanced education
21 which may include college or university classes, ~~or~~ conferences,
22 instruction conducted within the sheriff's office, or instruction
23 conducted over the Internet, except that instruction conducted
24 over the Internet shall be limited to ten hours annually, and
25 shall be of a type which has application to and seeks to maintain
26 and improve the skills of the sheriffs in carrying out the
27 responsibilities of their office.

1 (3) ~~Unless~~ Notwithstanding section 81-1403, unless a
2 sheriff is able to show good cause for not complying with
3 subsection (2) of this section or obtains a waiver of the training
4 requirements from the council, any sheriff who violates subsection
5 (2) of this section shall be punished by a fine equal to such
6 sheriff's monthly salary. Each month in which such violation occurs
7 shall constitute a separate offense.

8 Sec. 5. Section 81-1401, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 81-1401 For purposes of sections 81-1401 to ~~81-1414,~~
11 81-1414.06 and sections 13 to 16 of this act, unless the context
12 otherwise requires:

13 (1) Commission means the Nebraska Commission on Law
14 Enforcement and Criminal Justice;

15 (2) Council means the Nebraska Police Standards Advisory
16 Council;

17 (3) Director means the director of the Nebraska Law
18 Enforcement Training Center;

19 ~~(3)~~ (4) Handgun means any firearm with a barrel less than
20 sixteen inches in length or any firearm designed to be held and
21 fired by the use of a single hand;

22 ~~(4)~~ (5) Law enforcement agency means the police
23 department or the town marshal in incorporated municipalities, the
24 office of sheriff in unincorporated areas, and the Nebraska State
25 Patrol;

26 ~~(5)(a)~~ (6)(a) Law enforcement officer means any person
27 who is responsible for the prevention or detection of crime or

1 the enforcement of the penal, traffic, or highway laws of the
2 state or any political subdivision of the state for more than one
3 hundred hours per year and is authorized by law to make arrests and
4 includes, but is not limited to:

5 (i) A full-time or part-time member of the Nebraska State
6 Patrol;

7 (ii) A county sheriff;

8 (iii) A full-time, ~~or~~ part-time, or reserve employee of a
9 county sheriff's office;

10 (iv) A full-time, ~~or~~ part-time, or reserve employee of a
11 municipal or village police agency; ~~or~~

12 (v) A full-time or part-time Game and Parks Commission
13 conservation officer;

14 (vi) A full-time or part-time deputy state sheriff; or

15 ~~(v)~~ (vii) A full-time employee of an organized and
16 paid fire department of any city of the metropolitan class who
17 is an authorized arson investigator and whose duties consist
18 of determining the cause, origin, and circumstances of fires or
19 explosions while on duty in the course of an investigation;

20 (b) Law enforcement officer does not include employees of
21 the Department of Correctional Services, probation officers under
22 the Nebraska Probation System, parole officers appointed by the
23 Parole Administrator, or employees of the Department of Revenue
24 under section 77-366; and

25 (c) A law enforcement officer shall possess a valid law
26 enforcement officer certificate or diploma, as established by the
27 council, in order to be vested with the authority of this section,

1 but this subdivision does not prohibit an individual from receiving
2 a conditional appointment as an officer pursuant to subsection (2)
3 of section 81-1414;

4 ~~(6) Director means the director of the Nebraska Law~~
5 ~~Enforcement Training Center;~~

6 (7) Training academy means the training center or
7 such other council-approved law enforcement training facility
8 operated and maintained by a law enforcement agency which offers
9 certification training that meets or exceeds the certification
10 training curriculum of the training center;

11 (8) Training center means the Nebraska Law Enforcement
12 Training Center; and

13 (9) Training school means a public or private institution
14 of higher education, including the University of Nebraska, the
15 Nebraska state colleges, and the community colleges of this
16 state, that offers training in a council-approved pre-certification
17 course.

18 Sec. 6. Section 81-1403, Revised Statutes Supplement,
19 2011, is amended to read:

20 81-1403 Subject to review and approval by the commission,
21 the council shall:

22 (1) Adopt and promulgate rules and regulations for law
23 enforcement pre-certification, certification, continuing education,
24 and training requirements. Such rules and regulations may include
25 the authority to impose a fine on any individual, political
26 subdivision, or agency who or which violates sections 81-1401 to
27 81-1414.06 and sections 13 to 16 of this act or any of such

1 rules and regulations. The fine for each separate violation of
2 sections 81-1401 to 81-1414.06 and sections 13 to 16 of this
3 act or of any rule or regulation adopted and promulgated by the
4 council pursuant to such sections shall not exceed either (a) a
5 one-time maximum fine of five hundred dollars or (b) a maximum
6 fine of one hundred dollars per day until the individual, political
7 subdivision, or agency complies with such rules or regulations.
8 All fines collected pursuant to this subdivision shall be remitted
9 to the State Treasurer for distribution in accordance with Article
10 VII, section 5, of the Constitution of Nebraska;

11 (2) Adopt and promulgate rules and regulations for the
12 operation of the training center;

13 (3) Recommend to the executive director of the commission
14 the names of persons to be appointed to the position of director of
15 the training center;

16 (4) Establish requirements for satisfactory completion
17 of pre-certification programs, certification programs, and advanced
18 training programs;

19 (5) Issue certificates or diplomas attesting satisfactory
20 completion of pre-certification programs, certification programs,
21 and advanced training programs;

22 (6) Revoke or suspend such certificates or diplomas
23 according to rules and regulations established adopted and
24 promulgated by the council pursuant to sections 81-1401 to
25 81-1414.06 and sections 13 to 16 of this act for reasons which
26 shall include, but not be limited to, (a) incompetence, (b) neglect
27 of duty, (c) physical, mental, or emotional incapacity, and (d)

1 final conviction of or pleading guilty or nolo contendere to a
2 felony. The rules and regulations shall provide for revocation of
3 a ~~certificate holder's~~ certificate without a hearing upon ~~his or~~
4 ~~her~~ the certificate holder's final conviction of or pleading guilty
5 or nolo contendere to a felony. For purposes of this subdivision,
6 felony means a crime punishable by imprisonment for a term of more
7 than one year or a crime committed outside of Nebraska which would
8 be punishable by imprisonment for a term of more than one year
9 if committed in Nebraska. The rules and regulations shall include
10 a procedure for hearing appeals of any person who feels that the
11 revocation or suspension of his or her certificate or diploma was
12 in error;

13 (7) Set the tuition and fees for the training center
14 and all officers of other training academies not employed by
15 that training academy's agency. The tuition and fees set for the
16 training center pursuant to this subdivision shall be adjusted
17 annually pursuant to the training center budget approved by the
18 Legislature. All other tuition and fees shall be set in order
19 to cover the costs of administering sections 81-1401 to ~~81-1414.~~
20 81-1414.06 and sections 13 to 16 of this act. All tuition and fees
21 shall be remitted to the State Treasurer for credit to the Nebraska
22 Law Enforcement Training Center Cash Fund;

23 (8) Annually certify any training academies providing
24 a basic course of law enforcement training which complies with
25 the qualifications and standards promulgated by the council and
26 offering training that meets or exceeds training that is offered
27 by the training center. The council shall set the maximum

1 and minimum applicant enrollment figures for training academies
2 training non-agency officers;

3 (9) Extend the programs of the training center throughout
4 the state on a regional basis;

5 (10) Establish the qualifications, ~~and~~ standards, and
6 continuing education requirements and provide the training required
7 by section 81-1439; and

8 (11) Do all things necessary to carry out the purpose of
9 the training center, except that functional authority for budget
10 and personnel matters shall remain with the commission.

11 Any administrative fine imposed under this section shall
12 constitute a debt to the State of Nebraska which may be collected
13 by lien foreclosure or sued for and recovered in any proper form
14 of action by the office of the Attorney General in the name
15 of the State of Nebraska in the district court of the county
16 where the final agency action was taken. All fines imposed by the
17 council shall be remitted to the State Treasurer for distribution
18 in accordance with Article VII, section 5, of the Constitution of
19 Nebraska.

20 Sec. 7. Section 81-1404, Revised Statutes Supplement,
21 2011, is amended to read:

22 81-1404 The director of the Nebraska Law Enforcement
23 Training Center shall devote full time to the duties of the office
24 and shall not engage in any other business or profession or hold
25 any other state public office. The director shall be responsible
26 to the executive director of the commission for the operation of
27 the training center and the conducting of training programs. The

1 director of the training center shall:

2 (1) Appoint and remove for cause such employees as may
3 be necessary for the operation of the training center and delegate
4 appropriate powers and duties to them;

5 (2) Conduct research for the purpose of evaluating and
6 improving the effectiveness of law enforcement training programs;

7 (3) Consult with the council on all matters pertaining to
8 training schools, ~~and~~ training academies, and continuing education;

9 (4) Supervise the administration of the pre-certification
10 competency test;

11 (5) Ensure that all council rules and regulations
12 with respect to law enforcement pre-certification, certification,
13 continuing education, and training requirements are implemented
14 and ~~followed~~, and complied with and, in that capacity, act as the
15 director of standards for the council;

16 (6) Advise the council concerning the operation of the
17 training center, the requirements, as set by the council, for all
18 training schools and training academies, and the formulation of
19 training policies and regulations; ~~and~~

20 (7) Issue diplomas to students who successfully complete
21 the prescribed basic course of study; and-

22 (8) Maintain continuing education records in a central
23 registry.

24 Sec. 8. Section 81-1406, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 81-1406 There is hereby created the Nebraska Police
27 Standards Advisory Council. The council shall be a special standing

1 committee of the commission with the express purpose of overseeing
2 all training schools and training academies and the operation
3 of the training center and ensuring that all rules, regulations,
4 and policies with respect to pre-certification, certification,
5 continuing education, and training requirements are implemented and
6 complied with. The council shall act for the commission in all
7 matters relating to law enforcement training, ~~and~~ the training
8 center, and continuing education but shall not have any other
9 powers and duties with respect to the commission or any of its
10 duties. The council shall conduct regular meetings in order to
11 carry out its statutory duties.

12 Sec. 9. Section 81-1412.02, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 81-1412.02 The person in charge of any agency employing
15 law enforcement officers ~~as defined in section 81-1401~~ shall submit
16 to the council a register of full-time, part-time, and reserve law
17 enforcement officers employed by his or her agency and whether each
18 law enforcement officer passed or failed the handgun qualification.
19 The council shall adopt and promulgate rules and regulations
20 governing the submission of agency registers. The register shall
21 include the name of each law enforcement officer, whether the law
22 enforcement officer passed or failed the handgun qualification,
23 the name of the instructor who administered the course, the
24 date of handgun qualification, and the type of handgun used in
25 handgun qualification. An agency that fails to submit a handgun
26 qualification register pursuant to this section shall be subject to
27 a fine of one hundred dollars for each day of noncompliance. All

1 fines collected under this section shall be remitted to the State
2 Treasurer for credit to the Law Enforcement Improvement Fund.

3 Sec. 10. Section 81-1414, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 81-1414 (1) On and after January 1, 1972, law enforcement
6 officers already serving under permanent appointment shall not be
7 required to meet any requirement of subsection (2) of this section
8 as a condition of tenure or continued employment.

9 (2) On and after January 1, 1972, no person shall
10 receive appointment as a law enforcement officer unless he or
11 she has been awarded a certificate or diploma by the commission
12 attesting to satisfactory completion of the minimum curriculum
13 of the training center as established by the council or has
14 been awarded a certificate or diploma attesting to satisfactory
15 completion of a training program which the council finds equivalent
16 thereto. Any person who has not been awarded such a certificate
17 or diploma may receive an appointment conditioned on satisfactory
18 completion of such training if he or she immediately applies
19 for admission to the training center or any training academy
20 and enrolls in the next available basic training class. If such
21 training is not completed within one year after the appointment,
22 the person's employment shall not be renewed by a political
23 subdivision appointment or otherwise and such person shall no
24 longer be recognized as a law enforcement officer, as defined in
25 section 81-1401, except that in cases of extreme hardship, upon
26 application by the officer, the council may grant a waiver to
27 allow the officer to complete the basic training program as soon

1 as is practicable after the one-year time allowance. Any individual
2 who is not certified in accordance with this section and has
3 worked as a law enforcement officer for multiple law enforcement
4 agencies or political subdivisions shall have his or her time
5 of employment aggregated in order to determine if he or she has
6 worked for more than one year. If that law enforcement officer's
7 aggregate time of employment exceeds one year, that officer shall
8 not be recognized as a law enforcement officer for any political
9 subdivision until he or she has satisfactorily completed such
10 certification training. For purposes of this section, the council
11 shall deem the successful completion of the federal Bureau of
12 Indian Affairs basic police training program as administered by
13 the Federal Law Enforcement Training Center to constitute such
14 equivalent training, and officers certified by virtue of such
15 equivalent training may exercise full law enforcement authority
16 exclusively on tribal lands.

17 (3) Law enforcement officers who are promoted in rank
18 shall satisfactorily complete such council-approved training within
19 one year of such promotion.

20 (4) At the direction of the council, the director shall
21 issue a certificate or diploma attesting to a compliance with
22 the requirements of subsection (2) or (3) of this section to any
23 applicant who presents evidence of satisfactory completion of a
24 council-approved training program.

25 Sec. 11. Section 81-1414.04, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 81-1414.04 There is hereby created, for the use of

1 the ~~Nebraska Commission on Law Enforcement and Criminal Justice,~~
2 commission, a fund to be known as the Nebraska Law Enforcement
3 Training Center Fund, to consist of such money as appropriated
4 to such fund by the Legislature. Any money in the fund available
5 for investment shall be invested by the state investment officer
6 pursuant to the Nebraska Capital Expansion Act and the Nebraska
7 State Funds Investment Act.

8 Sec. 12. Section 81-1414.05, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 81-1414.05 The proceeds of the Nebraska Law Enforcement
11 Training Center Fund ~~created by section 81-1414.04~~ shall be
12 expended by the ~~Nebraska Commission on Law Enforcement and Criminal~~
13 ~~Justice,~~ commission, as and when appropriated by the Legislature,
14 to be used for the costs and payments to be made by the State of
15 Nebraska to the city of Grand Island for the use by the state of
16 such building or facility or portion thereof, and equipping the
17 same.

18 Sec. 13. (1) In order to maintain his or her professional
19 status and serve the law enforcement profession, the community,
20 and the residents of Nebraska, each law enforcement officer shall
21 attend at least twenty hours of continuing education courses in
22 the areas of criminal justice and law enforcement during each
23 calendar year beginning on January 1 and ending on December 31.
24 A law enforcement officer is not required to meet the continuing
25 education requirements in the year in which he or she first becomes
26 fully certified.

27 (2) Continuing education courses may be offered in the

1 form of seminars, advanced education which may include college or
2 university classes, conferences, instruction conducted within the
3 law enforcement officer's law enforcement agency, or instruction
4 conducted over the Internet, except that instruction conducted over
5 the Internet shall be limited to ten hours annually, and shall
6 be of a type which has application to and seeks to maintain and
7 improve the skills of the law enforcement officer in carrying out
8 his or her duties and responsibilities.

9 Sec. 14. Every law enforcement agency of the state or
10 any of its political subdivisions shall send the director certified
11 reports, on a form designed by the director, of the completion
12 of the continuing education requirements by its law enforcement
13 officers at such time and in such manner and detail as the director
14 may prescribe. The director shall maintain a record of the reports
15 in a central registry.

16 Sec. 15. (1) Failure to complete the continuing education
17 requirements of sections 13 and 14 of this act shall result in the
18 suspension of a law enforcement officer's certificate or diploma
19 from the Nebraska Law Enforcement Training Center and a fine
20 under section 81-1403 until the continuing education is completed,
21 unless the officer is able to show good cause for not completing
22 the continuing education requirements or unless a waiver has been
23 granted.

24 (2) Any law enforcement officer who fails to fulfill
25 his or her continuing education requirements for two consecutive
26 reporting periods may have his or her certificate or diploma from
27 the Nebraska Law Enforcement Training Center revoked and a fine

1 incurred under section 81-1403, unless the officer is able to show
2 good cause for not completing the continuing education requirements
3 or unless a waiver has been granted.

4 Sec. 16. The continuing education requirements of
5 sections 13 to 15 of this act shall be suspended for any law
6 enforcement officer while he or she is on active duty with the
7 armed forces of the United States.

8 Sec. 17. Section 81-1439, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 81-1439 (1) The Nebraska Commission on Law Enforcement
11 and Criminal Justice shall establish minimum physical, mental,
12 educational, and moral qualifications for all members of any law
13 enforcement reserve force. The commission shall also establish
14 ~~minimum~~ training and continuing education standards and be
15 responsible for providing such training for all members. The
16 commission shall delegate its responsibilities pursuant to this
17 section to the Nebraska Police Standards Advisory Council.

18 (2) Individuals appointed to a law enforcement reserve
19 force shall receive training through or under the supervision of
20 the Nebraska Law Enforcement Training Center and shall achieve the
21 minimum training standards within one year ~~from~~ after the date of
22 appointment. Such training may be provided by the training center
23 through regional workshops, training sessions, or similar means of
24 instruction anywhere in the state.

25 (3) Members of the law enforcement reserve force shall be
26 subject to the same continuing education requirements as all other
27 law enforcement officers pursuant to sections 81-1401 to 81-1414.06

1 and sections 13 to 16 of this act.

2 ~~(3)~~ (4) The governing body establishing a law enforcement
3 reserve force shall adopt and publish a reserve force manual
4 setting forth the minimum qualifications, training standards,
5 ~~and standard operating procedures,~~ and continuing education
6 requirements for such force and such higher qualifications,
7 standards, and operating procedures as may actually be used.

8 Sec. 18. Sections 2, 3, 4, 18, and 19 of this act become
9 operative on their effective date. The other sections of this act
10 become operative on January 1, 2014.

11 Sec. 20. Original sections 23-1701.01, 81-1401, 81-1406,
12 81-1412.02, 81-1414, 81-1414.04, 81-1414.05, and 81-1439, Reissue
13 Revised Statutes of Nebraska, and sections 81-1403 and 81-1404,
14 Revised Statutes Supplement, 2011, are repealed.

15 Sec. 21. The following sections are outright repealed:
16 Sections 81-1414.01 and 81-1414.02, Reissue Revised Statutes of
17 Nebraska.