

E & R AMENDMENTS TO LB 994

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 "Section 1. The Nebraska Commission on Law Enforcement
4 and Criminal Justice and the Nebraska State Patrol are authorized
5 to maintain the independent and distinct operation of their
6 individual training academies notwithstanding any provision of law,
7 rule, or regulation.

8 Sec. 2. 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 unless the context otherwise requires:

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

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

16 (3) Handgun means any firearm with a barrel less than
17 sixteen inches in length or any firearm designed to be held and
18 fired by the use of a single hand;

19 (4) Law enforcement agency means the police department or
20 the town marshal in incorporated municipalities, the office of
21 sheriff in unincorporated areas, and the Nebraska State Patrol;

22 (5)(a) Law enforcement officer means any person who is
23 responsible for the prevention or detection of crime or the
24 enforcement of the penal, traffic, or highway laws of the state or

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

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

6 (ii) A county sheriff;

7 (iii) A full-time or part-time employee of a county
8 sheriff's office;

9 (iv) A full-time or part-time employee of a municipal or
10 village police agency; or

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

16 (b) Law enforcement officer does not include employees of
17 the Department of Correctional Services, probation officers under
18 the Nebraska Probation System, ~~or appointed under section 43-2,123,~~
19 parole officers appointed by the Parole Administrator, employees of
20 the Department of Property Assessment and Taxation under section
21 77-704, or employees of the Department of Revenue under section
22 77-366; and

23 (c) A law enforcement officer shall possess a valid law
24 enforcement officer certificate or diploma, as established by the
25 council, in order to be vested with the authority of this section,
26 but this subdivision does not prohibit an individual from receiving
27 a conditional appointment as an officer pursuant to subsection (2)

1 of section 81-1414;

2 (6) Director means the director of the Nebraska Law
3 Enforcement Training Center; ~~and~~

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

9 (8) Training center means the Nebraska Law Enforcement
10 Training Center; and

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

16 Sec. 3. Section 81-1402, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 81-1402. There is hereby created the Nebraska Law
19 Enforcement Training Center under the supervision and control of
20 the ~~commission~~ council. The ~~purpose~~ purposes of the training
21 center shall be to (1) test all law enforcement candidates on
22 behalf of the council to ensure that they meet pre-certification
23 and certification requirements, (2) oversee and monitor other
24 training schools and training academies to ensure that
25 pre-certification and certification requirements as set by the
26 council are being met, and (3) conduct ~~preemployment~~
27 pre-certification programs, certification programs, and advanced

1 law enforcement training programs as directed by the council.

2 Sec. 4. Section 81-1403, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 81-1403. Subject to review and approval by the
5 commission, the council shall:

6 (1) Adopt and promulgate rules and regulations for law
7 enforcement pre-certification, certification, continuing education,
8 and training requirements. Such rules and regulations may include
9 the authority to impose a fine on any individual, political
10 subdivision, or agency who or which violates such rules and
11 regulations. The fine for each separate violation of any rule or
12 regulation shall not exceed either (a) a one-time maximum fine of
13 five hundred dollars or (b) a maximum fine of one hundred dollars
14 per day until the individual, political subdivision, or agency
15 complies with such rules or regulations. All fines collected
16 pursuant to this subdivision shall be remitted to the State
17 Treasurer for credit to the permanent school fund;

18 (2) Adopt and promulgate rules and regulations for the
19 operation of the training center;

20 ~~(2)~~ (3) Recommend to the commission the names of persons
21 to be appointed to the position of director of the training center,
22 delegate appropriate powers and duties to and provide direct
23 supervision of the director, and when warranted recommend to the
24 commission that the director be removed for cause;

25 ~~(3)~~ (4) Establish ~~curricula and~~ requirements for
26 satisfactory completion of ~~preemployment~~ pre-certification
27 programs, certification programs, and advanced training programs;

1 ~~(4)~~ (5) Issue certificates or diplomas attesting
2 satisfactory completion of ~~preemployment~~ pre-certification
3 programs, certification programs, and advanced training programs;

4 ~~(5)~~ (6) Revoke or suspend such certificates or diplomas
5 according to rules and regulations established by the council for
6 reasons which shall include, but not be limited to, ~~revocation for~~
7 (a) incompetence, (b) neglect of duty, and (c) physical, mental, or
8 emotional incapacity. Such rules and regulations shall include a
9 procedure for hearing appeals of any person who feels that the
10 revocation or suspension of his or her certificate or diploma was
11 in error;

12 ~~(6)~~ (7) Set the tuition and fees ~~of~~ for the training
13 center and all officers of other training academies not employed by
14 that training academy's agency. The tuition and fees set for the
15 training center pursuant to this subdivision shall be adjusted
16 annually pursuant to the training center budget approved by the
17 Legislature. All other tuition and fees shall be set in order to
18 cover the costs of administering sections 81-1401 to 81-1414. All
19 tuition and fees shall be remitted to the State Treasurer for
20 credit to the Nebraska Law Enforcement Training Center Cash Fund;

21 ~~(7)~~ (8) Annually certify any ~~school, public or private,~~
22 training academies providing a basic course of law enforcement
23 training which complies with the qualifications and standards
24 promulgated by the council and ~~offers training comparable to that~~
25 offered by the training center offering training that meets or
26 exceeds training that is offered by the training center. The
27 council shall set the maximum and minimum applicant enrollment

1 figures for training academies training non-agency officers;

2 ~~(8)~~ (9) Extend the programs of the training center
3 throughout the state on a regional basis;

4 ~~(9)~~ (10) Establish the qualifications and standards and
5 provide the training required by section 81-1439; and

6 ~~(10)~~ (11) Do all things necessary to carry out the
7 purpose of the training center, except that functional authority
8 for budget and personnel matters shall remain with the commission.

9 Any administrative fine imposed under this section shall
10 constitute a debt to the State of Nebraska which may be collected
11 by lien foreclosure or sued for and recovered in any proper form of
12 action by the Office of the Attorney General in the name of the
13 State of Nebraska in the district court of the county where the
14 final agency action was taken. All fines imposed by the council
15 shall be remitted to the State Treasurer for credit to the
16 permanent school fund.

17 Sec. 5. Section 81-1404, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 81-1404. The director of the Nebraska Law Enforcement
20 Training Center shall devote full time to the duties of the office
21 and shall not engage in any other business or profession or hold
22 any other state public office. The director shall be responsible
23 to the commission through the council for the operation of the
24 training center and the conducting of training programs. The
25 director shall:

26 (1) Appoint and remove for cause such employees as may be
27 necessary for the operation of the training center and delegate

1 appropriate powers and duties to them;

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

4 (3) Consult with the council on all matters pertaining to
5 ~~the training center~~ schools and training academies;

6 (4) Supervise the administration of the pre-certification
7 competency test;

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

13 (6) Advise the council concerning the operation ~~and~~
14 ~~curricula~~ of the training center, ~~and the formulation of training~~
15 ~~policy and procedures~~ the requirements, as set by the council, for
16 all training schools and training academies, and the formulation of
17 training policies and regulations; and

18 ~~(5)~~ (7) Issue diplomas to students who successfully
19 complete the prescribed basic course of study. ~~who are not yet~~
20 ~~employed as law enforcement officers.~~

21 Sec. 6. Section 81-1406, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 81-1406. There is hereby created the Nebraska Police
24 Standards Advisory Council. The council shall be a special
25 standing committee of the commission with the express purpose of
26 overseeing all training schools and training academies and the
27 operation of the training center and ensuring that ~~the~~ all rules,

1 regulations, and policies with respect to pre-certification,
2 certification, continuing education, and training requirements are
3 implemented. of the state with respect to law enforcement training
4 are carried out. The council shall act for the commission in all
5 matters relating to law enforcement training and the training
6 center but shall not have any other powers and duties with respect
7 to the commission or any of its duties. The council shall conduct
8 regular meetings in order to ~~facilitate the operation of the~~
9 ~~training center~~ carry out its statutory duties.

10 Sec. 7. Section 81-1410, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 81-1410. (1) ~~The council shall adopt and promulgate~~
13 ~~rules and regulations governing admission to the training center~~
14 ~~with an effective date of January 17, 1995. The council shall adopt~~
15 ~~and promulgate rules and regulations governing the minimum~~
16 ~~admission requirements for all training academies. Until the~~
17 ~~regulations become effective, the admission requirements existing~~
18 ~~on the effective date of this act pertaining to the training center~~
19 ~~shall be applicable to all training academies, except the Nebraska~~
20 ~~State Patrol.~~ The rules and regulations shall establish admission
21 criteria which shall include, but not be limited to, (a) physical,
22 mental, and emotional fitness and (b) disclosure of any criminal
23 history. ~~Upon adoption of the rules and regulations and the~~
24 ~~passage of their effective date, the prior admission criteria~~
25 ~~specified in subsection (2) of this section shall be revoked.~~ The
26 council may also adopt a priority system for admission to the
27 training center and the other training academies conducting

1 certification training for officers not employed by that training
2 academy's agency.

3 (2) ~~Until January 1, 1995, the~~ The council may admit an
4 applicant to ~~the any training center~~ academy for entry-level law
5 enforcement certification when the applicant meets ~~any one or more~~
6 ~~of~~ the following minimum criteria:

7 (a) The applicant is or will be a citizen of the United
8 States prior to the completion of certification;

9 (b) The applicant will reach the age of twenty-one years
10 prior to the completion of the training;

11 (c) The applicant has been fingerprinted and a search has
12 been made of local, state, and national fingerprint files for
13 disclosure of any criminal record and the results furnished to the
14 training center;

15 (d) The applicant has a valid motor vehicle operator's or
16 chauffeur's license;

17 (e) The applicant has vision correctable to 20/30 and has
18 no evidence of an irreversible disease which will affect the
19 person's sight;

20 (f) ~~The applicant has normal hearing in each ear and has~~
21 ~~no evidence of an irreversible disease which will affect the~~
22 ~~person's hearing;~~

23 ~~(g)~~ The applicant has been pardoned or has never been
24 convicted by any state or the United States of a crime punishable
25 by imprisonment in a penitentiary for a term of one year or more or
26 by any foreign government of a crime which would be punishable by
27 imprisonment for a term of one year or more if committed in

1 Nebraska or has had a conviction for such an offense overturned or
2 reversed by a court of competent jurisdiction;

3 ~~(h)~~ (g) The applicant possesses good character as
4 determined by a thorough background investigation;

5 ~~(i)~~ (h) The applicant (i)(A) is a high school graduate or
6 (B) possesses a general educational development certificate and
7 (ii) is able to read, write, and understand the English language at
8 the eleventh grade level;

9 ~~(j)~~ (i) The applicant has not been convicted of driving
10 while intoxicated in the two years immediately preceding admission;
11 and

12 ~~(k)~~ (j) The applicant has been examined by a licensed
13 physician ~~six months~~ one year or less prior to admission and has
14 been certified by the physician to have met the physical
15 requirements, as determined by the council, necessary to fulfill
16 the responsibilities of a law enforcement officer and successfully
17 complete the requirements for training.

18 (3) In all cases in which it is necessary ~~for the~~
19 ~~training center~~ to acquire documents or other information to
20 determine whether or not an applicant meets any of the requirements
21 of ~~this~~ subsection (2) of this section, ~~the training center may~~
22 ~~require that~~ such copies or other information shall be supplied by
23 the applicant at his or her own expense.

24 Sec. 8. Section 81-1413, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 81-1413. ~~Tuition, fees, and such other expenses incurred~~
27 ~~in the training of a law enforcement officer admitted to the~~

1 ~~training center shall be paid by the training center when the~~
2 ~~course the officer is attending is a course mandated by state law,~~
3 ~~a course prescribed by the council, or a course that has been~~
4 ~~funded by the training center through special external funding.~~
5 Tuition, fees, and such other expenses incurred in the ~~training of~~
6 ~~all other persons admitted to the training center~~ pre-certification
7 and certification training of applicants shall be the
8 responsibility of the person or his or her sponsoring agency,
9 except that through June 30, 2005, such expenses may be financed by
10 the training center through other appropriated funds as determined
11 by the council in order to transition to a tuition-based system.

12 Sec. 9. Section 81-1414, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 81-1414. (1) On and after January 1, 1972, law
15 enforcement officers already serving under permanent appointment
16 shall not be required to meet any requirement of subsection (2) of
17 this section as a condition of tenure or continued employment.

18 (2) On and after January 1, 1972, no person shall receive
19 appointment as a law enforcement officer unless he or she has been
20 awarded a certificate or diploma by the commission attesting to
21 satisfactory completion of the minimum curriculum of the training
22 center as established by the council or has been awarded a
23 certificate or diploma attesting to satisfactory completion of a
24 training program which the council finds equivalent thereto. Any
25 person who has not been awarded such a certificate or diploma may
26 receive an appointment conditioned on satisfactory completion of
27 such training if he or she immediately applies for admission to the

1 training center or any training academy and enrolls in the next
2 available basic training class. If such training is not completed
3 within one year after the appointment, the person's employment
4 shall not be renewed by a political subdivision appointment or
5 otherwise and such person shall no longer be recognized as a law
6 enforcement officer as defined in section 81-1401, except that in
7 cases of extreme hardship, upon application by the officer, the
8 council may grant a waiver to allow the officer to complete the
9 basic training program as soon as is practicable after the one-year
10 time allowance. Any individual who is not certified in accordance
11 with this section and has worked as a law enforcement officer for
12 multiple law enforcement agencies or political subdivisions shall
13 have his or her time of employment aggregated in order to determine
14 if he or she has worked for more than one year. If that law
15 enforcement officer's aggregate time of employment exceeds one
16 year, that officer shall not be recognized as a law enforcement
17 officer for any political subdivision until he or she has
18 satisfactorily completed such certification training. For purposes
19 of this section, the council shall deem the successful completion
20 of the federal Bureau of Indian Affairs basic police training
21 program as administered by the Federal Law Enforcement Training
22 Center to constitute such equivalent training, and officers
23 certified by virtue of such equivalent training may exercise full
24 law enforcement authority exclusively on tribal lands.

25 (3) ~~On and after January 1, 1972, no law enforcement~~
26 ~~officer shall be promoted in rank unless he or she has been awarded~~
27 ~~a certificate by the director attesting to satisfactory completion~~

1 of such advanced training as the council may require for the rank
2 to which he or she is to be promoted Law enforcement officers who
3 are promoted in rank shall satisfactorily complete such
4 council-approved training within one year of such promotion.

5 (4) At the direction of the council, the director shall
6 issue a certificate or diploma attesting to a compliance with the
7 requirements of subsection (2) or (3) of this section to any
8 applicant who presents evidence of satisfactory completion of a
9 council-approved training program. 7 other than that of the
10 training center, found by the director to be equivalent to that of
11 the training center.

12 Sec. 10. Section 81-1428, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 81-1428. The There is hereby created a Law Enforcement
15 Improvement Fund which is created and shall be maintained by the
16 State Treasurer as a cash fund. Until January 1, 2007, the fund
17 shall consist of revenue credited pursuant to section 81-1429 and
18 investment income. The fund shall be used for payment of
19 administrative and operations expenses of the Nebraska Law
20 Enforcement Training Center and such other expenses as budgeted by
21 the Legislature for the improvement of law enforcement. The fund
22 shall be administered by the director. Any money in the fund
23 available for investment shall be invested by the state investment
24 officer pursuant to the Nebraska Capital Expansion Act and the
25 Nebraska State Funds Investment Act. 7 and from which there shall
26 be appropriated such amounts as are available therefrom and as
27 shall by the Legislature be considered appropriate for the

1 ~~improvement of law enforcement at the municipal and county levels.~~

2 Sec. 11. Section 81-1429, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 81-1429. A Law Enforcement Improvement Fund fee of two
5 dollars shall be taxed as costs in each criminal proceeding,
6 including traffic infractions and misdemeanors, filed in all courts
7 of this state for violations of state law or city or village
8 ordinances. No such fee shall be collected in any juvenile court
9 proceeding or when waived under section 29-2709. Such fee shall be
10 paid to the State Treasurer on forms prescribed by the State
11 Treasurer within ten days of the close of each calendar quarter.
12 The State Treasurer shall credit the money to the Law Enforcement
13 Improvement Fund.

14 This section terminates January 1, 2007.

15 Sec. 12. Original sections 81-1401, 81-1402, 81-1403,
16 81-1404, 81-1406, 81-1410, 81-1413, 81-1414, 81-1428, and 81-1429,
17 Reissue Revised Statutes of Nebraska, are repealed.

18 Sec. 13. The following sections are outright repealed:
19 Sections 18-1703 and 18-1704, Reissue Revised Statutes of
20 Nebraska.".

21 2. On page 1, line 3, strike "and 81-1428" and insert
22 "81-1428, and 81-1429"; and in line 6 after the semicolon insert
23 "to change provisions relating to fees and funds; to provide a
24 termination date;".