

# COMMITTEE STATEMENT

## LB 265

HEARING DATE: 3/18/99

COMMITTEE ON: Judiciary

TITLE: (Wickersham, Janssen, Jones, Matzke, Vrtiska ) Create a class of peace officer known as constable and provide powers and duties

### ROLL CALL VOTE – FINAL COMMITTEE ACTION

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Advanced to General File

Advanced to General File with Amendments

X Indefinitely Postponed

#### Vote Results:

6	Yes	Senators Bourne, Brashear, Connealy, Hilgert, Pedersen, Robak
	No	
	Present, not voting	
2	Absent	Senators Baker, Chambers

PROPOSERS	REPRESENTING
Senator Bob Wickersham	Introducer
Stanley Oberhelman	Village of Chapman
OPPOSERS	REPRESENTING
Jim Cavanaugh	Nebraska Fraternal Order of Police
Stepehn Freese	Douglas County Sheriffs Department
Randy Wildman	Burt County Sheriffs Office Nebraska Sheriffs Association
Bill Greiner	self
Bill Mueller	Nebraska State Bar Association
R.J. Brown	Crime Prevention Task Force
NEUTRAL	REPRESENTING

#### SUMMARY OF PURPOSE AND/OR CHANGES:

LB 265, section 5, permits the governing bodies of cities or villages to appoint constables. A constable shall hold office for one year, unless sooner removed.

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A constable, as defined in section 41 of the bill, has the authority to issue citations for violations of the laws of the state and political subdivisions. Without special certification, a constable cannot issue citations for speeding or for over-weight or over-wide violations. A constable cannot carry firearms and cannot make arrests other than a citizen's arrest.

The jurisdiction of a constable is established in section 30 of the bill. A constable's authority is to enforce the laws, subject to the limitations above, anywhere within his or her primary jurisdiction. Primary jurisdiction is defined as the geographic area within the territorial limits of the state or political subdivision which appoints the constable. This can be expanded by the Interlocal Cooperation Act, in which case the authority extends to the limits of the participating political subdivisions. Each subdivision shall provide liability insurance for its own constables.

A specific area of enforcement mentioned on the bill is the enforcement of the Rules of the Road. The constables are to direct traffic, to inspect vehicles for compliance with registration and license laws and to inspect vehicles where held for sale or wrecking.

Minimum education requirements for the constables are set forth in sections 101-107. The Law Enforcement Training Center would be required to develop and conduct a training program not exceeding four weeks' time. A speed limit enforcement program would be a separate course. Tuition, except for the speed limit enforcement program, would be paid by the state. A person may not be employed by the state or political subdivision as a constable unless he or she is certified as such or applies for the course immediately after being hired. Training must be completed within a year.

The remainder of the bill makes minor changes in the law to harmonize existing sections. It also distinguishes constables from other law enforcement officers and bring correctional officers under certain protections in the law.

EXPLANATION OF AMENDMENTS, IF ANY:

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Senator