



Ninety – Sixth Legislature – Second Session – 2000
Introducer's Statement of Intent
LB 1386

Chairperson: Senator Kermit A. Brashear
Committee: Judiciary
Date of Hearing: 2/9/2000

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 1386 provides certain due process rights to a Nebraska peace officer investigated by their employer for conduct that may result in administrative sanctions. These rights would not apply to any criminal investigation, with the exception of those rights afforded for by the United States or Nebraska Constitutions.

This bill would prescribe the time, place and duration of an administrative interrogation. It provides that an officer would be given information such as the name and rank of the person in charge of the investigation, the names of all persons present during an interrogation, the nature of the interrogation and the names of any known complainants.

LB 1386 would also provide that the officer under administrative investigation would have the right to a copy of tapes or a transcript of any interrogation, to present evidence, to cross examine witnesses and the right to respond to adverse comments entered in the officer's personnel file. The bill prohibits employer retaliation when an officer exercises the due process rights afforded by the bill. LB 1386 also provides for the peace officers right to petition the district court for damages, attorney fees, court costs, and equitable relief, in the event of violations of the Act by the employer.

This would be of particular value to peace officers working in small governmental jurisdictions where they frequently do not have formal contracts. We have identified 18 state that have 'Law enforcement Officers Bill of Rights'. There has been a similar effort to introduce this at the Federal level the last two sessions of Congress.

Principal Introducer:

Senator Pam Brown