

AMENDMENTS TO LB 593

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

3 "Section 1. The working men and women in Nebraska law
4 enforcement risk their lives everyday. The people of Nebraska
5 greatly appreciate the hard work and dedication of law enforcement
6 officers in protecting the public. The good name of these officers
7 should not be tarnished by the actions of those few who commit
8 discriminatory practices in defiance of the Nebraska Law
9 Enforcement Non-Discrimination Resolution adopted on October 10,
10 2000, by various Nebraska law enforcement entities.

11 Racial profiling is a practice that presents a great
12 danger to the fundamental principles of a democratic society. It
13 is abhorrent and cannot be tolerated. Motorists who have been
14 stopped by the police for no reason other than the color of their
15 skin or their apparent nationality or ethnicity are the victims of
16 discriminatory practices.

17 Sec. 2. (1) No member of the Nebraska State Patrol or a
18 county sheriff's office, officer of a city or village police
19 department, or member of any other law enforcement agency in this
20 state shall engage in racial profiling. The detention or other
21 disparate treatment of an individual based on any noncriminal
22 factor or combination of noncriminal factors is inconsistent with
23 this policy.

24 (2) Racial profiling shall not be used to justify the

1 detention of an individual or to conduct a stop of a motor vehicle.

2 Sec. 3. For purposes of sections 1 to 5 of this act:

3 (1) Disparate treatment means differential treatment of
4 persons on the basis of race, color, or national origin;

5 (2) Motor vehicle stop means any stop of a motor vehicle;
6 and

7 (3) Racial profiling means detaining an individual or
8 conducting a motor vehicle stop based solely upon disparate
9 treatment of an individual.

10 Sec. 4. (1) On or before January 1, 2002, the Nebraska
11 State Patrol, the county sheriffs, all city and village police
12 departments, and any other law enforcement agency in this state
13 shall adopt a written policy that prohibits the detention of any
14 person or a motor vehicle stop when such action is solely motivated
15 by racial profiling and the action would constitute a violation of
16 the civil rights of the person.

17 (2) With respect to a motor vehicle stop, on and after
18 January 1, 2002, the Nebraska State Patrol, the county sheriffs,
19 all city and village police departments, and any other law
20 enforcement agency in this state shall record and retain the
21 following information using the form developed and promulgated
22 pursuant to section 5 of this act:

23 (a) The number of motor vehicle stops;

24 (b) The characteristics of race or ethnicity of the
25 person stopped. The identification of such characteristics shall
26 be based on the observation and perception of the law enforcement
27 officer responsible for reporting the motor vehicle stop and the

1 information shall not be required to be provided by the person
2 stopped;

3 (c) If the stop is for a law violation, the nature of the
4 alleged law violation that resulted in the motor vehicle stop;

5 (d) Whether a warning or citation was issued, an arrest
6 made, or a search conducted as a result of the motor vehicle stop.
7 Search does not include a search incident to arrest or an inventory
8 search; and

9 (e) Any additional information that the Nebraska State
10 Patrol, the county sheriffs, all city and village police
11 departments, or any other law enforcement agency in this state, as
12 the case may be, deems appropriate.

13 (3) The Nebraska Commission on Law Enforcement and
14 Criminal Justice may develop a uniform system for receiving
15 allegations of racial profiling. The Nebraska State Patrol, the
16 county sheriffs, all city and village police departments, and any
17 other law enforcement agency in this state shall provide to the
18 commission (a) a copy of each allegation of racial profiling
19 received and (b) written notification of the review and disposition
20 of such allegation. No information revealing the identity of the
21 law enforcement officer involved in the stop shall be used,
22 transmitted, or disclosed in violation of any collective bargaining
23 agreement provision or personnel rule under which such law
24 enforcement officer is employed. No information revealing the
25 identity of the complainant shall be used, transmitted, or
26 disclosed in the form alleging racial profiling.

27 (4) Any law enforcement officer who in good faith records

1 information on a motor vehicle stop pursuant to this section shall
2 not be held civilly liable for the act of recording such
3 information unless the law enforcement officer's conduct was
4 unreasonable or reckless or in some way contrary to law.

5 (5) On or before October 1, 2002, and annually thereafter
6 until January 1, 2004, the Nebraska State Patrol, the county
7 sheriffs, all city and village police departments, and all other
8 law enforcement agencies in this state shall provide to the
9 commission, in such form as the commission prescribes, a summary
10 report of the information recorded pursuant to subsection (2) of
11 this section.

12 (6) On and after January 1, 2002, and until January 1,
13 2004, the commission may, within the limits of its existing
14 appropriations, provide for a review of the prevalence and
15 disposition of motor vehicle stops based on racial profiling and
16 allegations reported pursuant to this section. The results of such
17 review shall be reported to the Governor and the Legislature on or
18 before April 1, 2004.

19 Sec. 5. On or before January 1, 2002, the Nebraska
20 Commission on Law Enforcement and Criminal Justice, the
21 Superintendent of Law Enforcement and Public Safety, the Attorney
22 General, and the State Court Administrator may adopt and
23 promulgate: (1) A form, in printed or electronic format, to be
24 used by a law enforcement officer when making a motor vehicle stop
25 to record personal identifying information about the operator of
26 such motor vehicle, the location of the stop, the reason for the
27 stop, and any other information that is required to be recorded

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1 pursuant to subsection (2) of section 4 of this act and (2) a form,
2 in printed or electronic format, to be used to report an allegation
3 of racial profiling by a law enforcement officer.".