

E & R AMENDMENTS TO LB 1162

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

3           "Section 1. Section 20-503, Revised Statutes Supplement,  
4 2002, is amended to read:

5           20-503. For purposes of sections 20-501 to 20-505:

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

8           (2) Motor vehicle stop means any stop of a motor vehicle,  
9 except for a stop of a motor truck, truck-tractor, semitrailer,  
10 trailer, or towed vehicle at a state weighing station; and

11           (3) Racial profiling means detaining an individual or  
12 conducting a motor vehicle stop based upon disparate treatment of  
13 an individual.

14           Sec. 2. Section 20-504, Revised Statutes Supplement,  
15 2002, is amended to read:

16           20-504. (1) On or before January 1, 2002, the Nebraska  
17 State Patrol, the county sheriffs, all city and village police  
18 departments, and any other law enforcement agency in this state  
19 shall adopt a written policy that prohibits the detention of any  
20 person or a motor vehicle stop when such action is motivated by  
21 racial profiling and the action would constitute a violation of the  
22 civil rights of the person.

23           (2) With respect to a motor vehicle stop, on and after  
24 January 1, 2002, and until January 1, 2006, the Nebraska State

1 Patrol, the county sheriffs, all city and village police  
2 departments, and any other law enforcement agency in this state  
3 shall record and retain the following information using the form  
4 developed and promulgated pursuant to section 20-505:

5 (a) The number of motor vehicle stops;

6 (b) The characteristics of race or ethnicity of the  
7 person stopped. The identification of such characteristics shall  
8 be based on the observation and perception of the law enforcement  
9 officer responsible for reporting the motor vehicle stop and the  
10 information shall not be required to be provided by the person  
11 stopped;

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

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

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

22 (3) The Nebraska Commission on Law Enforcement and  
23 Criminal Justice may develop a uniform system for receiving  
24 allegations of racial profiling. The Nebraska State Patrol, the  
25 county sheriffs, all city and village police departments, and any  
26 other law enforcement agency in this state shall provide to the  
27 commission (a) a copy of each allegation of racial profiling

1 received and (b) written notification of the review and disposition  
2 of such allegation. No information revealing the identity of the  
3 law enforcement officer involved in the stop shall be used,  
4 transmitted, or disclosed in violation of any collective bargaining  
5 agreement provision or personnel rule under which such law  
6 enforcement officer is employed. No information revealing the  
7 identity of the complainant shall be used, transmitted, or  
8 disclosed in the form alleging racial profiling.

9 (4) Any law enforcement officer who in good faith records  
10 information on a motor vehicle stop pursuant to this section shall  
11 not be held civilly liable for the act of recording such  
12 information unless the law enforcement officer's conduct was  
13 unreasonable or reckless or in some way contrary to law.

14 (5) On or before October 1, 2002, and annually thereafter  
15 until January 1, ~~2004~~ 2006, the Nebraska State Patrol, the county  
16 sheriffs, all city and village police departments, and all other  
17 law enforcement agencies in this state shall provide to the  
18 commission, in such form as the commission prescribes, a summary  
19 report of the information recorded pursuant to subsection (2) of  
20 this section.

21 (6) On and after January 1, 2002, and until ~~January~~ April  
22 1, ~~2004~~ 2006, the commission may, within the limits of its existing  
23 appropriations, provide for a review of the prevalence and  
24 disposition of motor vehicle stops based on racial profiling and  
25 allegations reported pursuant to this section. The results of such  
26 review shall be reported annually to the Governor and the  
27 Legislature beginning on or before April 1, 2004, until April 1,

1 2006.

2           Sec. 3.     Section 81-1413, Revised Statutes Supplement,  
3 2002, is amended to read:

4           81-1413. Tuition, fees, and such other expenses incurred  
5 in the pre-certification and certification training of applicants  
6 shall be the responsibility of the person or his or her sponsoring  
7 agency, except that through ~~June 30, 2005~~ January 1, 2007, such  
8 expenses may be financed by the training center through other  
9 appropriated funds as determined by the council in order to  
10 transition to a tuition-based system.

11           Sec. 4.     Section 81-1438, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           81-1438. The governing body of any county or city of  
14 this state, other than (1) a county containing a city of the  
15 metropolitan or primary class or (2) a city of the metropolitan or  
16 primary class, may establish a law enforcement reserve force.  
17 Members of such force shall be appointed at the discretion of the  
18 governing body. The governing body may limit the size of such  
19 reserve force.

20           Sec. 5.     Original section 81-1438, Reissue Revised  
21 Statutes of Nebraska, and sections 20-503, 20-504, and 81-1413,  
22 Revised Statutes Supplement, 2002, are repealed.

23           Sec. 6.     Since an emergency exists, this act takes effect  
24 when passed and approved according to law."

25           2. On page 1, strike beginning with "the" in line 1  
26 through line 4 and insert "law enforcement; to amend section  
27 81-1438, Reissue Revised Statutes of Nebraska, and sections 20-503,

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1 20-504, and 81-1413, Revised Statutes Supplement, 2002; to change  
2 provisions relating to racial profiling reporting duties,  
3 certification training costs, and establishment of reserve forces;  
4 to repeal the original sections; and to declare an emergency.".