

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 179**

Introduced by Engel, 17; Mossey, 3

Read first time January 10, 2003

Committee: Judiciary

A BILL

1 FOR AN ACT relating to criminal records; to amend section 29-3526,  
2 Reissue Revised Statutes of Nebraska, and section  
3 81-2004.02, Revised Statutes Supplement, 2002; to change  
4 and eliminate provisions relating to costs for criminal  
5 justice records; to harmonize provisions; to repeal the  
6 original sections; to outright repeal section 29-3524,  
7 Reissue Revised Statutes of Nebraska; and to declare an  
8 emergency.  
9 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 29-3526, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   29-3526. The commission may by rule authorize a fee for  
4 each application for review under section 29-3525, and may charge  
5 for making copies or printouts as provided in section ~~29-3524~~  
6 81-2004.02. The commission shall implement section 29-3525 by rule  
7 and regulation, including, but not limited to, provisions for (1)  
8 administrative review and necessary correction of any claim by the  
9 individual to whom the information relates that the information is  
10 inaccurate or incomplete, (2) administrative appeal when a criminal  
11 justice agency refuses to correct challenged information to the  
12 satisfaction of the individual to whom the information relates, (3)  
13 supplying to an individual whose record has been corrected, upon  
14 his or her request, the names of all noncriminal justice agencies  
15 and individuals to which the data has been given, and (4) requiring  
16 the correcting agency to notify all criminal justice recipients of  
17 corrected information.

18                   Sec. 2. Section 81-2004.02, Revised Statutes Supplement,  
19 2002, is amended to read:

20                   81-2004.02. (1) There is hereby created the Nebraska  
21 State Patrol Cash Fund. Money from this fund shall be used to  
22 defray expenses incident to the administration of the Nebraska  
23 State Patrol. All funds received by the Nebraska State Patrol for  
24 services rendered shall be remitted to the State Treasurer for  
25 credit to the Nebraska State Patrol Cash Fund. Such fund shall be  
26 administered by the Superintendent of Law Enforcement and Public  
27 Safety. Any money in the fund available for investment shall be  
28 invested by the state investment officer pursuant to the Nebraska

1 Capital Expansion Act and the Nebraska State Funds Investment Act.

2           (2) Allowable uses of the fund shall include, but not be  
3 limited to, defraying the cost of:

4           (a) ~~(1)~~ The vehicle identification inspection program  
5 established in sections 60-118 to 60-127;

6           (b) ~~(2)~~ Investigations of odometer and motor vehicle  
7 fraud, motor vehicle licensing violations, and motor vehicle theft;  
8 and

9           (c) ~~(3)~~ Other investigative expenses when money is  
10 specifically appropriated by the Legislature for such purposes.

11           (3) Criminal justice agencies may assess a fee, not to  
12 exceed fifteen dollars, for search, retrieval, and copying of  
13 criminal justice records and may waive fees at their discretion.  
14 When fees for certified copies or other copies, printouts, or  
15 photographs of such records are specifically prescribed by law,  
16 such specific fees shall apply. All fees collected by the Nebraska  
17 State Patrol pursuant to this section shall be deposited in the  
18 Nebraska State Patrol Cash Fund, and any such funds collected may  
19 be expended as authorized pursuant to this section.

20           Any money in the fund available for investment shall be  
21 invested by the state investment officer pursuant to the Nebraska  
22 Capital Expansion Act and the Nebraska State Funds Investment Act.

23           The State Treasurer shall transfer five hundred thousand  
24 dollars from the Nebraska State Patrol Cash Fund to the General  
25 Fund within five days after August 16, 2002.

26           Sec. 3. Original section 29-3526, Reissue Revised  
27 Statutes of Nebraska, and section 81-2004.02, Revised Statutes  
28 Supplement, 2002, are repealed.

1                   Sec. 4.    The following section is outright repealed:

2    Section 29-3524, Reissue Revised Statutes of Nebraska.

3                   Sec. 5.    Since an emergency exists, this act takes effect

4    when passed and approved according to law.