

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 699

Introduced by McCoy, 39.

Read first time January 06, 2010

Committee: Judiciary

A BILL

1 FOR AN ACT relating to arrests; to amend sections 28-1473 and
2 28-1474, Reissue Revised Statutes of Nebraska, and
3 sections 37-1201 and 60-601, Revised Statutes Supplement,
4 2009; to require information obtained pursuant to arrest
5 for any felony or for flying, boating, or driving
6 under the influence be forwarded to federal immigration
7 authorities as prescribed; and to repeal the original
8 sections.

9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1473, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-1473 Any person arrested pursuant to sections 28-1465
4 to 28-1474 and section 3 of this act may, upon the direction of a
5 law enforcement officer, be required to submit to a chemical test
6 of his or her blood or breath for a determination of the alcohol
7 content. Any person who refuses to submit to a chemical blood
8 or breath test required pursuant to sections 28-1465 to 28-1474
9 shall be guilty of a crime and, upon conviction thereof, shall be
10 punished in the same manner as he or she would be if convicted for
11 a violation of section 28-1465.

12 Sec. 2. Section 28-1474, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 28-1474 Any person who is required to submit to a
15 preliminary breath test, or to a chemical blood or breath test
16 pursuant to sections 28-1465 to 28-1474 and section 3 of this act
17 shall be advised of the consequences of refusing to submit to such
18 test.

19 Sec. 3. A law enforcement agency which is notified by
20 a peace officer employed by the agency that the peace officer
21 arrested an individual pursuant to sections 28-1465 to 28-1474
22 shall forward to the Bureau of United States Citizenship and
23 Immigration Services of the United States Department of Homeland
24 Security any identifying information collected by the peace officer
25 or agency regarding the individual if the agency cannot determine

1 the individual's status as a legal resident or citizen of the
2 United States or its territories or if the agency reasonably
3 believes the individual's documentation regarding his or her status
4 is fraudulent. The information may include, but not be limited to,
5 fingerprints.

6 Sec. 4. A law enforcement agency which is notified by
7 a peace officer employed by the agency that the peace officer
8 arrested an individual for a felony shall forward to the Bureau of
9 United States Citizenship and Immigration Services of the United
10 States Department of Homeland Security any identifying information
11 collected by the peace officer or agency regarding the individual
12 if the agency cannot determine the individual's status as a legal
13 resident or citizen of the United States or its territories or
14 if the agency reasonably believes the individual's documentation
15 regarding his or her status is fraudulent. The information may
16 include, but not be limited to, fingerprints.

17 Sec. 5. Section 37-1201, Revised Statutes Supplement,
18 2009, is amended to read:

19 37-1201 Sections 37-1201 to 37-12,110 and section 6 of
20 this act shall be known and may be cited as the State Boat Act.
21 It is the policy of this state to promote safety for persons and
22 property in and connected with the use, operation, and equipment of
23 vessels and to promote uniformity of laws relating thereto.

24 Sec. 6. A law enforcement agency which is notified by
25 a peace officer employed by the agency that the peace officer

1 arrested an individual for a violation of section 37-1254.01 or
2 for refusing a chemical test under section 37-1254.02 or any
3 local ordinance regarding boating under the influence of alcohol
4 or of any controlled substance shall forward to the Bureau of
5 United States Citizenship and Immigration Services of the United
6 States Department of Homeland Security any identifying information
7 collected by the peace officer or agency regarding the individual
8 if the agency cannot determine the individual's status as a legal
9 resident or citizen of the United States or its territories or
10 if the agency reasonably believes the individual's documentation
11 regarding his or her status is fraudulent. The information may
12 include, but not be limited to, fingerprints.

13 Sec. 7. Section 60-601, Revised Statutes Supplement,
14 2009, is amended to read:

15 60-601 Sections 60-601 to 60-6,378 and section 8 of this
16 act shall be known and may be cited as the Nebraska Rules of the
17 Road.

18 Sec. 8. A law enforcement agency which is notified by
19 a peace officer employed by the agency that the peace officer
20 arrested an individual for a violation of section 60-6,196 or
21 for refusing a chemical test under section 60-6,197 or any local
22 ordinance regarding driving under the influence of alcohol or of
23 any drug shall forward to the Bureau of United States Citizenship
24 and Immigration Services of the United States Department of
25 Homeland Security any identifying information collected by the

1 peace officer or agency regarding the individual if the agency
2 cannot determine the individual's status as a legal resident or
3 citizen of the United States or its territories or if the agency
4 reasonably believes the individual's documentation regarding his or
5 her status is fraudulent. The information may include, but not be
6 limited to, fingerprints.

7 Sec. 9. Original sections 28-1473 and 28-1474, Reissue
8 Revised Statutes of Nebraska, and sections 37-1201 and 60-601,
9 Revised Statutes Supplement, 2009, are repealed.