

E AND R AMENDMENTS TO LB 817

Introduced by Larson, 40, Chairman Enrollment and Review

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

3           Section 1. Section 23-1701.01, Reissue Revised Statutes  
4 of Nebraska, is amended to read:

5           23-1701.01 (1) Any candidate for the office of sheriff  
6 who does not have a law enforcement officer certificate or diploma  
7 issued by the Nebraska Commission on Law Enforcement and Criminal  
8 Justice shall submit with the candidate filing form required by  
9 section 32-607 a standardized letter issued by the director of  
10 the Nebraska Law Enforcement Training Center certifying that the  
11 candidate has:

12           (a) Within one calendar year prior to the deadline  
13 for filing the candidate filing form, passed a background  
14 investigation performed by the Nebraska Law Enforcement Training  
15 Center based on a check of his or her criminal history record  
16 information maintained by the Federal Bureau of Investigation  
17 through the Nebraska State Patrol. The candidate who has not  
18 passed a background investigation shall apply for the background  
19 investigation at least thirty days prior to the filing deadline for  
20 the candidate filing form; and

21           (b) Received a minimum combined score on the reading  
22 comprehension and English language portions of an adult basic  
23 education examination designated by the Nebraska Law Enforcement

1 Training Center.

2 (2) Each sheriff shall attend the Nebraska Law  
3 Enforcement Training Center and receive a certificate attesting  
4 to satisfactory completion of the Sheriff's Certification Course  
5 within eight months ~~of~~ after taking office unless such sheriff  
6 has already been awarded a certificate by the Nebraska Commission  
7 on Law Enforcement and Criminal Justice attesting to satisfactory  
8 completion of such course or unless such sheriff can demonstrate  
9 to the Nebraska Police Standards Advisory Council that his or  
10 her previous training and education is such that he or she will  
11 professionally discharge the duties of the office. Any sheriff  
12 in office prior to July 19, 1980, shall not be required to  
13 obtain a certificate attesting to satisfactory completion of the  
14 Sheriff's Certification Course but shall otherwise be subject to  
15 this section. ~~Each~~ Notwithstanding sections 81-1401 to 81-1414.06  
16 and sections 13 to 16 of this act, each sheriff shall attend  
17 twenty hours of continuing education in criminal justice and law  
18 enforcement courses approved by the council each year following  
19 the first year of such sheriff's term of office. Such continuing  
20 education shall be offered through seminars, advanced education  
21 which may include college or university classes, ~~or~~ conferences,  
22 instruction conducted within the sheriff's office, or instruction  
23 conducted over the Internet, except that instruction conducted  
24 over the Internet shall be limited to ten hours annually, and  
25 shall be of a type which has application to and seeks to maintain  
26 and improve the skills of the sheriffs in carrying out the  
27 responsibilities of their office.

1           (3) ~~Unless~~ Notwithstanding section 81-1403, unless a  
2 sheriff is able to show good cause for not complying with  
3 subsection (2) of this section or obtains a waiver of the training  
4 requirements from the council, any sheriff who violates subsection  
5 (2) of this section shall be punished by a fine equal to such  
6 sheriff's monthly salary. Each month in which such violation occurs  
7 shall constitute a separate offense.

8           Sec. 2. Section 29-2264, Revised Statutes Cumulative  
9 Supplement, 2010, is amended to read:

10           29-2264 (1) Whenever any person is placed on probation  
11 by a court and satisfactorily completes the conditions of his or  
12 her probation for the entire period or is discharged from probation  
13 prior to the termination of the period of probation, the sentencing  
14 court shall issue an order releasing the offender from probation.  
15 Such order in all felony cases shall provide notice that the  
16 person's voting rights are restored two years after completion of  
17 probation. The order shall include information on restoring other  
18 civil rights through the pardon process, including application to  
19 and hearing by the Board of Pardons.

20           (2) Whenever any person is convicted of a misdemeanor or  
21 felony and is placed on probation by the court or is sentenced to  
22 a fine only, he or she may, after satisfactory fulfillment of the  
23 conditions of probation for the entire period or after discharge  
24 from probation prior to the termination of the period of probation  
25 and after payment of any fine, petition the sentencing court to set  
26 aside the conviction.

27           (3) In determining whether to set aside the conviction,

1 the court shall consider:

2 (a) The behavior of the offender after sentencing;

3 (b) The likelihood that the offender will not engage in  
4 further criminal activity; and

5 (c) Any other information the court considers relevant.

6 (4) The court may grant the offender's petition and issue  
7 an order setting aside the conviction when in the opinion of the  
8 court the order will be in the best interest of the offender and  
9 consistent with the public welfare. The order shall:

10 (a) Nullify the conviction; and

11 (b) Remove all civil disabilities and disqualifications  
12 imposed as a result of the conviction.

13 (5) The setting aside of a conviction in accordance with  
14 the Nebraska Probation Administration Act shall not:

15 (a) Require the reinstatement of any office, employment,  
16 or position which was previously held and lost or forfeited as a  
17 result of the conviction;

18 (b) Preclude proof of a plea of guilty whenever such plea  
19 is relevant to the determination of an issue involving the rights  
20 or liabilities of someone other than the offender;

21 (c) Preclude proof of the conviction as evidence of the  
22 commission of the misdemeanor or felony whenever the fact of its  
23 commission is relevant for the purpose of impeaching the offender  
24 as a witness, except that the order setting aside the conviction  
25 may be introduced in evidence;

26 (d) Preclude use of the conviction for the purpose of  
27 determining sentence on any subsequent conviction of a criminal

1 offense;

2 (e) Preclude the proof of the conviction as evidence  
3 of the commission of the misdemeanor or felony in the event an  
4 offender is charged with a subsequent offense and the penalty  
5 provided by law is increased if the prior conviction is proved;

6 (f) Preclude the proof of the conviction to determine  
7 whether an offender is eligible to have a subsequent conviction set  
8 aside in accordance with the Nebraska Probation Administration Act;

9 (g) Preclude use of the conviction as evidence of  
10 commission of the misdemeanor or felony for purposes of determining  
11 whether an application filed or a license issued under sections  
12 71-1901 to 71-1906.01 or the Child Care Licensing Act or a  
13 certificate issued under sections 79-806 to 79-815 should be  
14 denied, suspended, or revoked;

15 (h) Preclude use of the conviction as evidence of  
16 incompetence, neglect of duty, physical, mental, or emotional  
17 incapacity, or final conviction of or pleading guilty or nolo  
18 contendere to a felony for purposes of determining whether an  
19 application filed or a certificate issued under sections 81-1401  
20 to 81-1414.06 and sections 13 to 16 of this act should be denied,  
21 suspended, or revoked;

22 ~~(h)~~ (i) Preclude proof of the conviction as evidence  
23 whenever the fact of the conviction is relevant to a determination  
24 of the registration period under section 29-4005; or

25 ~~(i)~~ (j) Relieve a person who is convicted of an  
26 offense for which registration is required under the Sex Offender  
27 Registration Act of the duty to register and to comply with the

1 terms of the act.

2 (6) Except as otherwise provided for the notice in  
3 subsection (1) of this section, changes made to this section by  
4 Laws 2005, LB 713, shall be retroactive in application and shall  
5 apply to all persons, otherwise eligible in accordance with the  
6 provisions of this section, whether convicted prior to, on, or  
7 subsequent to September 4, 2005.

8 Sec. 3. Section 47-624, Revised Statutes Supplement,  
9 2011, is amended to read:

10 47-624 The division shall:

11 ~~(1) Develop standards for eligible community correctional~~  
12 ~~facilities and programs in which offenders can participate, taking~~  
13 ~~into consideration the following factors:~~

14 ~~(a) Qualifications of staff;~~

15 ~~(b) Suitability of programs;~~

16 ~~(c) Offender needs;~~

17 ~~(d) Probation population;~~

18 ~~(e) Parole population; and~~

19 ~~(f) Other applicable criminal justice data;~~

20 ~~(2) Develop (1) Collaborate with the Office of Probation~~  
21 ~~Administration, the Office of Parole Administration, and the~~  
22 ~~Department of Correctional Services to develop and implement a~~  
23 ~~plan to establish statewide operation and use of a continuum of~~  
24 ~~community correctional facilities and programs;~~

25 ~~(3) (2) Develop, in consultation with the probation~~  
26 ~~administrator and the Parole Administrator, standards for the use~~  
27 ~~of community correctional facilities and programs by the Nebraska~~

1 Probation System and the parole system;

2 ~~(4)~~ (3) Collaborate with the Office of Probation  
3 Administration, the Office of Parole Administration, and the  
4 Department of Correctional Services on the development of  
5 additional reporting centers as set forth in section 47-624.01;

6 ~~(5)~~ (4) Analyze and ~~mandate~~ promote the consistent use of  
7 offender risk assessment tools;

8 ~~(6)~~ (5) Educate the courts, the Board of Parole, criminal  
9 justice system stakeholders, and the general public about the  
10 availability, use, and benefits ~~and use~~ of community correctional  
11 facilities and programs;

12 ~~(7)~~ (6) Enter into and administer contracts, if  
13 necessary, ~~for carrying~~ to carry out the purposes of the Community  
14 Corrections Act;

15 ~~(8)~~ (7) In order to ensure adequate funding for substance  
16 abuse treatment programs, ~~for probationers,~~ consult with the  
17 probation administrator and the Parole Administrator and develop or  
18 assist with the development of programs as provided in subdivision  
19 (14) of section 29-2252 and subdivision (8) of section 83-1,102;

20 ~~(9)~~ In order to ensure adequate funding for substance  
21 abuse treatment programs for parolees, consult with the Office of  
22 Parole Administration and develop or assist with the development of  
23 programs as provided in subdivision ~~(8)~~ of section 83-1,102;

24 ~~(10)~~ (8) Study substance abuse and mental health  
25 treatment services in and related to the criminal justice  
26 system, recommend improvements, and evaluate the implementation of  
27 improvements;

1           ~~(11)~~ (9) Research and evaluate existing community  
2 corrections facilities and programs, within the limits of available  
3 funding;

4           ~~(12)~~ (10) Develop standardized definitions of outcome  
5 measures for community corrections facilities and programs,  
6 including, but not limited to, recidivism, employment, and  
7 substance abuse;

8           ~~(13)~~ (11) Report annually to the Legislature and  
9 the Governor on the development and performance of community  
10 corrections facilities and programs. The report shall include the  
11 following:

12                   (a) A description of community corrections facilities and  
13 programs, ~~endorsed by the division,~~ currently serving offenders in  
14 Nebraska, which includes the following information:

15                           (i) The target population and geographic area served by  
16 each facility or program, eligibility requirements, and the total  
17 number of offenders utilizing the facility or program over the past  
18 year;

19                           (ii) Services provided to offenders at the facility or in  
20 the program;

21                           (iii) The costs of operating the facility or program and  
22 the cost per offender; and

23                           (iv) The funding sources for the facility or program;

24                   (b) The progress made in expanding community corrections  
25 facilities and programs statewide and an analysis of the need for  
26 additional community corrections services;

27                   (c) An analysis of the impact community corrections



1 facilities and programs have on the number of offenders  
2 incarcerated within the Department of Correctional Services; and

3 (d) The recidivism rates and outcome data for  
4 probationers, parolees, and problem-solving-court clients  
5 participating in community corrections programs;

6 ~~(14)~~ (12) Grant funds to entities including local  
7 governmental agencies, nonprofit organizations, and behavioral  
8 health services which will support the intent of the act;

9 ~~(15)~~ ~~Administer contracts entered into by the division~~  
10 ~~with community correctional facilities or programs;~~

11 (13) Manage all offender data acquired by the division  
12 in a confidential manner and develop procedures to ensure that  
13 identifiable information is not released;

14 ~~(16)~~ (14) Establish and administer grants, projects, and  
15 programs for the operation of the division; and

16 ~~(17)~~ (15) Perform such other duties as may be necessary  
17 to carry out the policy of the state established in the act.

18 Sec. 4. Section 47-627, Revised Statutes Supplement,  
19 2011, is amended to read:

20 47-627 The director shall develop and maintain a uniform  
21 crime data analysis system in Nebraska which shall include,  
22 but need not be limited to, the number of offenses, arrests,  
23 charges, probation admissions, probation violations, probation  
24 discharges, participants in specialized community corrections  
25 programs, admissions to and discharges from problem-solving courts,  
26 admissions to and discharges from the Department of Correctional  
27 Services, parole reviews, parole hearings, releases on parole,

1 parole violations, and parole discharges. The data shall be  
2 categorized by statutory crime. The data shall be collected from  
3 the Board of Parole, the State Court Administrator, the Department  
4 of Correctional Services, the Office of Parole Administration, the  
5 Office of Probation Administration, the Nebraska State Patrol,  
6 counties, local law enforcement, and any other entity associated  
7 with criminal justice. The division and the Supreme Court shall  
8 have access to such data to implement the Community Corrections  
9 Act.

10           Sec. 5. Section 81-1401, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           81-1401 For purposes of sections 81-1401 to ~~81-1414,~~  
13 81-1414.06 and sections 13 to 16 of this act, unless the context  
14 otherwise requires:

15           (1) Commission means the Nebraska Commission on Law  
16 Enforcement and Criminal Justice;

17           (2) Council means the Nebraska Police Standards Advisory  
18 Council;

19           (3) Director means the director of the Nebraska Law  
20 Enforcement Training Center;

21           ~~(3)~~ (4) Handgun means any firearm with a barrel less than  
22 sixteen inches in length or any firearm designed to be held and  
23 fired by the use of a single hand;

24           ~~(4)~~ (5) Law enforcement agency means the police  
25 department or the town marshal in incorporated municipalities, the  
26 office of sheriff in unincorporated areas, and the Nebraska State  
27 Patrol;

1           ~~(5)(a)~~ (6)(a) Law enforcement officer means any person  
2 who is responsible for the prevention or detection of crime or  
3 the enforcement of the penal, traffic, or highway laws of the  
4 state or any political subdivision of the state for more than one  
5 hundred hours per year and is authorized by law to make arrests and  
6 includes, but is not limited to:

7           (i) A full-time or part-time member of the Nebraska State  
8 Patrol;

9           (ii) A county sheriff;

10           (iii) A full-time, ~~or~~ part-time, or reserve employee of a  
11 county sheriff's office;

12           (iv) A full-time, ~~or~~ part-time, or reserve employee of a  
13 municipal or village police agency; ~~or~~

14           (v) A full-time or part-time Game and Parks Commission  
15 conservation officer;

16           (vi) A full-time or part-time deputy state sheriff; or

17           ~~(v)~~ (vii) A full-time employee of an organized and  
18 paid fire department of any city of the metropolitan class who  
19 is an authorized arson investigator and whose duties consist  
20 of determining the cause, origin, and circumstances of fires or  
21 explosions while on duty in the course of an investigation;

22           (b) Law enforcement officer does not include employees of  
23 the Department of Correctional Services, probation officers under  
24 the Nebraska Probation System, parole officers appointed by the  
25 Parole Administrator, or employees of the Department of Revenue  
26 under section 77-366; and

27           (c) A law enforcement officer shall possess a valid law

1 enforcement officer certificate or diploma, as established by the  
2 council, in order to be vested with the authority of this section,  
3 but this subdivision does not prohibit an individual from receiving  
4 a conditional appointment as an officer pursuant to subsection (2)  
5 of section 81-1414;

6 ~~(6) Director means the director of the Nebraska Law~~  
7 ~~Enforcement Training Center;~~

8 (7) Training academy means the training center or  
9 such other council-approved law enforcement training facility  
10 operated and maintained by a law enforcement agency which offers  
11 certification training that meets or exceeds the certification  
12 training curriculum of the training center;

13 (8) Training center means the Nebraska Law Enforcement  
14 Training Center; and

15 (9) Training school means a public or private institution  
16 of higher education, including the University of Nebraska, the  
17 Nebraska state colleges, and the community colleges of this  
18 state, that offers training in a council-approved pre-certification  
19 course.

20 Sec. 6. Section 81-1403, Revised Statutes Supplement,  
21 2011, is amended to read:

22 81-1403 Subject to review and approval by the commission,  
23 the council shall:

24 (1) Adopt and promulgate rules and regulations for law  
25 enforcement pre-certification, certification, continuing education,  
26 and training requirements. Such rules and regulations may include  
27 the authority to impose a fine on any individual, political

1 subdivision, or agency who or which violates sections 81-1401 to  
2 81-1414.06 and sections 13 to 16 of this act or any of such  
3 rules and regulations. The fine for each separate violation of  
4 sections 81-1401 to 81-1414.06 and sections 13 to 16 of this  
5 act or of any rule or regulation adopted and promulgated by the  
6 council pursuant to such sections shall not exceed either (a) a  
7 one-time maximum fine of five hundred dollars or (b) a maximum  
8 fine of one hundred dollars per day until the individual, political  
9 subdivision, or agency complies with such rules or regulations.  
10 All fines collected pursuant to this subdivision shall be remitted  
11 to the State Treasurer for distribution in accordance with Article  
12 VII, section 5, of the Constitution of Nebraska;

13 (2) Adopt and promulgate rules and regulations for the  
14 operation of the training center;

15 (3) Recommend to the executive director of the commission  
16 the names of persons to be appointed to the position of director of  
17 the training center;

18 (4) Establish requirements for satisfactory completion  
19 of pre-certification programs, certification programs, and advanced  
20 training programs;

21 (5) Issue certificates or diplomas attesting satisfactory  
22 completion of pre-certification programs, certification programs,  
23 and advanced training programs;

24 (6) Revoke or suspend such certificates or diplomas  
25 according to rules and regulations established adopted and  
26 promulgated by the council pursuant to sections 81-1401 to  
27 81-1414.06 and sections 13 to 16 of this act for reasons which

1 shall include, but not be limited to, (a) incompetence, (b) neglect  
2 of duty, (c) physical, mental, or emotional incapacity, and (d)  
3 final conviction of or pleading guilty or nolo contendere to a  
4 felony. The rules and regulations shall provide for revocation of  
5 a ~~certificate holder's~~ certificate without a hearing upon ~~his or~~  
6 her the certificate holder's final conviction of or pleading guilty  
7 or nolo contendere to a felony. For purposes of this subdivision,  
8 felony means a crime punishable by imprisonment for a term of more  
9 than one year or a crime committed outside of Nebraska which would  
10 be punishable by imprisonment for a term of more than one year  
11 if committed in Nebraska. The rules and regulations shall include  
12 a procedure for hearing appeals of any person who feels that the  
13 revocation or suspension of his or her certificate or diploma was  
14 in error;

15 (7) Set the tuition and fees for the training center  
16 and all officers of other training academies not employed by  
17 that training academy's agency. The tuition and fees set for the  
18 training center pursuant to this subdivision shall be adjusted  
19 annually pursuant to the training center budget approved by the  
20 Legislature. All other tuition and fees shall be set in order  
21 to cover the costs of administering sections 81-1401 to ~~81-1414.~~  
22 81-1414.06 and sections 13 to 16 of this act. All tuition and fees  
23 shall be remitted to the State Treasurer for credit to the Nebraska  
24 Law Enforcement Training Center Cash Fund;

25 (8) Annually certify any training academies providing  
26 a basic course of law enforcement training which complies with  
27 the qualifications and standards promulgated by the council and

1 offering training that meets or exceeds training that is offered  
2 by the training center. The council shall set the maximum  
3 and minimum applicant enrollment figures for training academies  
4 training non-agency officers;

5 (9) Extend the programs of the training center throughout  
6 the state on a regional basis;

7 (10) Establish the qualifications, ~~and~~ standards, and  
8 continuing education requirements and provide the training required  
9 by section 81-1439; and

10 (11) Do all things necessary to carry out the purpose of  
11 the training center, except that functional authority for budget  
12 and personnel matters shall remain with the commission.

13 Any administrative fine imposed under this section shall  
14 constitute a debt to the State of Nebraska which may be collected  
15 by lien foreclosure or sued for and recovered in any proper form  
16 of action by the office of the Attorney General in the name  
17 of the State of Nebraska in the district court of the county  
18 where the final agency action was taken. All fines imposed by the  
19 council shall be remitted to the State Treasurer for distribution  
20 in accordance with Article VII, section 5, of the Constitution of  
21 Nebraska.

22 Sec. 7. Section 81-1404, Revised Statutes Supplement,  
23 2011, is amended to read:

24 81-1404 The director of the Nebraska Law Enforcement  
25 Training Center shall devote full time to the duties of the office  
26 and shall not engage in any other business or profession or hold  
27 any other state public office. The director shall be responsible

1 to the executive director of the commission for the operation of  
2 the training center and the conducting of training programs. The  
3 director of the training center shall:

4 (1) Appoint and remove for cause such employees as may  
5 be necessary for the operation of the training center and delegate  
6 appropriate powers and duties to them;

7 (2) Conduct research for the purpose of evaluating and  
8 improving the effectiveness of law enforcement training programs;

9 (3) Consult with the council on all matters pertaining to  
10 training schools, ~~and~~ training academies, and continuing education;

11 (4) Supervise the administration of the pre-certification  
12 competency test;

13 (5) Ensure that all council rules and regulations  
14 with respect to law enforcement pre-certification, certification,  
15 continuing education, and training requirements are implemented  
16 and ~~followed~~, and complied with and, in that capacity, act as the  
17 director of standards for the council;

18 (6) Advise the council concerning the operation of the  
19 training center, the requirements, as set by the council, for all  
20 training schools and training academies, and the formulation of  
21 training policies and regulations; ~~and~~

22 (7) Issue diplomas to students who successfully complete  
23 the prescribed basic course of study; and-

24 (8) Maintain continuing education records in a central  
25 registry.

26 Sec. 8. Section 81-1406, Reissue Revised Statutes of  
27 Nebraska, is amended to read:



1           81-1406 There is hereby created the Nebraska Police  
2 Standards Advisory Council. The council shall be a special standing  
3 committee of the commission with the express purpose of overseeing  
4 all training schools and training academies and the operation  
5 of the training center and ensuring that all rules, regulations,  
6 and policies with respect to pre-certification, certification,  
7 continuing education, and training requirements are implemented and  
8 complied with. The council shall act for the commission in all  
9 matters relating to law enforcement training, ~~and~~ the training  
10 center, and continuing education but shall not have any other  
11 powers and duties with respect to the commission or any of its  
12 duties. The council shall conduct regular meetings in order to  
13 carry out its statutory duties.

14           Sec. 9. Section 81-1412.02, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           81-1412.02 The person in charge of any agency employing  
17 law enforcement officers ~~as defined in section 81-1401~~ shall submit  
18 to the council a register of full-time, part-time, and reserve law  
19 enforcement officers employed by his or her agency and whether each  
20 law enforcement officer passed or failed the handgun qualification.  
21 The council shall adopt and promulgate rules and regulations  
22 governing the submission of agency registers. The register shall  
23 include the name of each law enforcement officer, whether the law  
24 enforcement officer passed or failed the handgun qualification,  
25 the name of the instructor who administered the course, the  
26 date of handgun qualification, and the type of handgun used in  
27 handgun qualification. An agency that fails to submit a handgun

1 qualification register pursuant to this section shall be subject to  
2 a fine of one hundred dollars for each day of noncompliance. All  
3 fines collected under this section shall be remitted to the State  
4 Treasurer for credit to the Law Enforcement Improvement Fund.

5 Sec. 10. Section 81-1414, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 81-1414 (1) On and after January 1, 1972, law enforcement  
8 officers already serving under permanent appointment shall not be  
9 required to meet any requirement of subsection (2) of this section  
10 as a condition of tenure or continued employment.

11 (2) On and after January 1, 1972, no person shall  
12 receive appointment as a law enforcement officer unless he or  
13 she has been awarded a certificate or diploma by the commission  
14 attesting to satisfactory completion of the minimum curriculum  
15 of the training center as established by the council or has  
16 been awarded a certificate or diploma attesting to satisfactory  
17 completion of a training program which the council finds equivalent  
18 thereto. Any person who has not been awarded such a certificate  
19 or diploma may receive an appointment conditioned on satisfactory  
20 completion of such training if he or she immediately applies  
21 for admission to the training center or any training academy  
22 and enrolls in the next available basic training class. If such  
23 training is not completed within one year after the appointment,  
24 the person's employment shall not be renewed by a political  
25 subdivision appointment or otherwise and such person shall no  
26 longer be recognized as a law enforcement officer, ~~as defined in~~  
27 ~~section 81-1401,~~ except that in cases of extreme hardship, upon

1 application by the officer, the council may grant a waiver to  
2 allow the officer to complete the basic training program as soon  
3 as is practicable after the one-year time allowance. Any individual  
4 who is not certified in accordance with this section and has  
5 worked as a law enforcement officer for multiple law enforcement  
6 agencies or political subdivisions shall have his or her time  
7 of employment aggregated in order to determine if he or she has  
8 worked for more than one year. If that law enforcement officer's  
9 aggregate time of employment exceeds one year, that officer shall  
10 not be recognized as a law enforcement officer for any political  
11 subdivision until he or she has satisfactorily completed such  
12 certification training. For purposes of this section, the council  
13 shall deem the successful completion of the federal Bureau of  
14 Indian Affairs basic police training program as administered by  
15 the Federal Law Enforcement Training Center to constitute such  
16 equivalent training, and officers certified by virtue of such  
17 equivalent training may exercise full law enforcement authority  
18 exclusively on tribal lands.

19 (3) Law enforcement officers who are promoted in rank  
20 shall satisfactorily complete such council-approved training within  
21 one year of such promotion.

22 (4) At the direction of the council, the director shall  
23 issue a certificate or diploma attesting to a compliance with  
24 the requirements of subsection (2) or (3) of this section to any  
25 applicant who presents evidence of satisfactory completion of a  
26 council-approved training program.

27 Sec. 11. Section 81-1414.04, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           81-1414.04 There is hereby created, for the use of  
3 the ~~Nebraska Commission on Law Enforcement and Criminal Justice,~~  
4 commission, a fund to be known as the Nebraska Law Enforcement  
5 Training Center Fund, to consist of such money as appropriated  
6 to such fund by the Legislature. Any money in the fund available  
7 for investment shall be invested by the state investment officer  
8 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
9 State Funds Investment Act.

10           Sec. 12. Section 81-1414.05, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           81-1414.05 The proceeds of the Nebraska Law Enforcement  
13 Training Center Fund ~~created by section 81-1414.04~~ shall be  
14 expended by the ~~Nebraska Commission on Law Enforcement and Criminal~~  
15 ~~Justice,~~ commission, as and when appropriated by the Legislature,  
16 to be used for the costs and payments to be made by the State of  
17 Nebraska to the city of Grand Island for the use by the state of  
18 such building or facility or portion thereof, and equipping the  
19 same.

20           Sec. 13. (1) In order to maintain his or her professional  
21 status and serve the law enforcement profession, the community,  
22 and the residents of Nebraska, each law enforcement officer shall  
23 attend at least twenty hours of continuing education courses in  
24 the areas of criminal justice and law enforcement during each  
25 calendar year beginning on January 1 and ending on December 31.  
26 A law enforcement officer is not required to meet the continuing  
27 education requirements in the year in which he or she first becomes

1 fully certified.

2 (2) Continuing education courses may be offered in the  
3 form of seminars, advanced education which may include college or  
4 university classes, conferences, instruction conducted within the  
5 law enforcement officer's law enforcement agency, or instruction  
6 conducted over the Internet, except that instruction conducted over  
7 the Internet shall be limited to ten hours annually, and shall  
8 be of a type which has application to and seeks to maintain and  
9 improve the skills of the law enforcement officer in carrying out  
10 his or her duties and responsibilities.

11 Sec. 14. Every law enforcement agency of the state or  
12 any of its political subdivisions shall send the director certified  
13 reports, on a form designed by the director, of the completion  
14 of the continuing education requirements by its law enforcement  
15 officers at such time and in such manner and detail as the director  
16 may prescribe. The director shall maintain a record of the reports  
17 in a central registry.

18 Sec. 15. (1) Failure to complete the continuing education  
19 requirements of sections 13 and 14 of this act shall result in the  
20 suspension of a law enforcement officer's certificate or diploma  
21 from the Nebraska Law Enforcement Training Center and a fine  
22 under section 81-1403 until the continuing education is completed  
23 unless the officer is able to show good cause for not completing  
24 the continuing education requirements or unless a waiver has been  
25 granted.

26 (2) Any law enforcement officer who fails to fulfill  
27 his or her continuing education requirements for two consecutive

1 reporting periods may have his or her certificate or diploma from  
2 the Nebraska Law Enforcement Training Center revoked and a fine  
3 incurred under section 81-1403 unless the officer is able to show  
4 good cause for not completing the continuing education requirements  
5 or unless a waiver has been granted.

6           Sec. 16. The continuing education requirements of  
7 sections 13 to 15 of this act shall be suspended for any law  
8 enforcement officer while he or she is on active duty with the  
9 armed forces of the United States.

10           Sec. 17. Section 81-1439, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           81-1439 (1) The Nebraska Commission on Law Enforcement  
13 and Criminal Justice shall establish minimum physical, mental,  
14 educational, and moral qualifications for all members of any law  
15 enforcement reserve force. The commission shall also establish  
16 ~~minimum~~ training and continuing education standards and be  
17 responsible for providing such training for all members. The  
18 commission shall delegate its responsibilities pursuant to this  
19 section to the Nebraska Police Standards Advisory Council.

20           (2) Individuals appointed to a law enforcement reserve  
21 force shall receive training through or under the supervision of  
22 the Nebraska Law Enforcement Training Center and shall achieve the  
23 minimum training standards within one year ~~from~~ after the date of  
24 appointment. Such training may be provided by the training center  
25 through regional workshops, training sessions, or similar means of  
26 instruction anywhere in the state.

27           (3) Members of the law enforcement reserve force shall be

1 subject to the same continuing education requirements as all other  
2 law enforcement officers pursuant to sections 81-1401 to 81-1414.06  
3 and sections 13 to 16 of this act.

4 ~~(3)~~ (4) The governing body establishing a law enforcement  
5 reserve force shall adopt and publish a reserve force manual  
6 setting forth the minimum qualifications, training standards,  
7 ~~and standard operating procedures,~~ and continuing education  
8 requirements for such force and such higher qualifications,  
9 standards, and operating procedures as may actually be used.

10 Sec. 18. Sections 2, 3, 4, 18, and 19 of this act become  
11 operative on their effective date. The other sections of this act  
12 become operative on January 1, 2014.

13 Sec. 19. Original section 29-2264, Revised Statutes  
14 Cumulative Supplement, 2010, and sections 47-624 and 47-627,  
15 Revised Statutes Supplement, 2011, are repealed.

16 Sec. 20. Original sections 23-1701.01, 81-1401, 81-1406,  
17 81-1412.02, 81-1414, 81-1414.04, 81-1414.05, and 81-1439, Reissue  
18 Revised Statutes of Nebraska, and sections 81-1403 and 81-1404,  
19 Revised Statutes Supplement, 2011, are repealed.

20 Sec. 21. The following sections are outright repealed:  
21 Sections 81-1414.01 and 81-1414.02, Reissue Revised Statutes of  
22 Nebraska.

23 2. On page 1, strike beginning with "criminal" in line  
24 1 through line 6 and insert "law enforcement; to amend sections  
25 23-1701.01, 81-1401, 81-1406, 81-1412.02, 81-1414, 81-1414.04,  
26 81-1414.05, and 81-1439, Reissue Revised Statutes of Nebraska,  
27 section 29-2264, Revised Statutes Cumulative Supplement, 2010, and

1 sections 47-624, 47-627, 81-1403, and 81-1404, Revised Statutes  
2 Supplement, 2011; to provide for the evidentiary use of certain  
3 convictions regarding certification; to provide, change, and  
4 eliminate duties for the Community Corrections Division of the  
5 Nebraska Commission on Law Enforcement and Criminal Justice; to  
6 change provisions relating to the uniform crime data analysis  
7 system and law enforcement certification and continuing education;  
8 to provide penalties; to provide powers and duties for the  
9 director of the Nebraska Law Enforcement Training Center and the  
10 Nebraska Police Standards Advisory Council; to eliminate obsolete  
11 provisions; to harmonize provisions; to provide operative dates;  
12 to repeal the original sections; and to outright repeal sections  
13 81-1414.01 and 81-1414.02, Reissue Revised Statutes of Nebraska."