

ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013
COMMITTEE STATEMENT
LB538

Hearing Date: Friday February 22, 2013
Committee On: Judiciary
Introducer: Chambers
One Liner: Change provisions relating to revocation and suspension of law enforcement training certificates or diplomas

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Ashford, Chambers, Christensen, Coash, Davis, Lathrop, McGill, Seiler
Nay:
Absent:
Present Not Voting:

Proponents: SEN. ERNIE CHAMBERS
Representing: INTRODUCER

Opponents:
Representing:

Neutral:
Representing:

Summary of purpose and/or changes:

LB 538 amends sections 81-1401 to 81-1403 of the Nebraska Revised Statutes in the following manner:

Section 1. Amends 81-1401 (Terms, defined.) by adding the following new definitions:

(4) Felony means- a crime punishable by imprisonment for a term of more than one year or a crime committed outside of Nebraska which would be punishable by imprisonment for a term of more than one year if committed in Nebraska.

(6) Incapacity means- incapable of or lacking the ability to perform or carry out the usual duties of a law enforcement officer in accordance with the standards established by the commission due to physical, mental, or emotional factors.

Section 2. Amends 81-1403 (Nebraska Police Standards Advisory Council; duties; administrative fine.) by providing for the temporary suspension or permanent revocation of law enforcement certificates or diplomas by the council, based on either a temporary or permanent physical, mental, or emotional "incapacity". The provisions providing for the temporary suspension or permanent revocation of a certificate or diploma based on physical, mental, or an emotional incapacity is to be "retroactive."

This section instructs the Council to create rules and regulations to establish a procedure by which reinstatement of a suspended certificate or diploma may be obtained.

Finally, section 2, requires the council to adopt rules and regulations to address the revocation of a certificate or diploma upon the final conviction, pleading guilty or nolo contendere to a felony charge as against the holder of the certificate or diploma.

Explanation of amendments:

AM301 makes the following changes to LB 538:

Further defines "Incapacity" by providing: On page 6, line 9, after the period "A temporary physical, mental, or emotional incapacity shall not be deemed to exist if a law enforcement officer remains employed as a law enforcement officer, including employment as a law enforcement officer in a restricted or limited duty status."

On page 6, line 14, strike beginning with "The" in line 14 ending with the period in line 17.

Brad Ashford, Chairperson