

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 924

FINAL READING
(SECOND)

Introduced by Chambers, 11; Wayne, 13.

Read first time January 10, 2020

Committee: Judiciary

1 A BILL FOR AN ACT relating to law enforcement; to amend sections
2 23-1701.01 and 81-1414.07, Reissue Revised Statutes of Nebraska, and
3 section 20-504, Revised Statutes Cumulative Supplement, 2018; to
4 change provisions relating to racial profiling prevention policies;
5 to prohibit law enforcement agencies failing to comply with racial
6 profiling monitoring and reporting requirements from receiving
7 funding from the Nebraska Commission on Law Enforcement and Criminal
8 Justice as prescribed; to require anti-bias and implicit bias
9 training for law enforcement officers; to repeal the original
10 sections; and to declare an emergency.
11 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 20-504, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 20-504 (1) ~~The On or before January 1, 2014,~~ the Nebraska State
4 Patrol, the county sheriffs, all city and village police departments, and
5 any other law enforcement agency in this state shall adopt and provide a
6 copy to the Nebraska Commission on Law Enforcement and Criminal Justice
7 of a written policy that prohibits the detention of any person or a motor
8 vehicle stop when such action is motivated by racial profiling. Such
9 racial profiling prevention policy shall include definitions consistent
10 with section 20-503 and one or more internal methods of prevention and
11 enforcement, including, but not limited to:

12 (a) Internal affairs investigation;

13 (b) Preventative measures including extra training at the Nebraska
14 Law Enforcement Training Center focused on avoidance of apparent or
15 actual racial profiling;

16 (c) Anti-bias and implicit bias training and testing designed to
17 minimize apparent or actual racial profiling;

18 (d) (e) Early intervention with any particular personnel determined
19 by the administration of the agency to have committed, participated in,
20 condoned, or attempted to cover up any instance of racial profiling; and

21 (e) (d) Disciplinary measures or other formal or informal methods of
22 prevention and enforcement.

23 None of the preventative or enforcement measures shall be
24 implemented contrary to the collective-bargaining agreement provisions or
25 personnel rules under which the member or officer in question is
26 employed.

27 (2) The Nebraska Commission on Law Enforcement and Criminal Justice
28 may develop and distribute a suggested model written racial profiling
29 prevention policy for use by law enforcement agencies, but the commission
30 shall not mandate the adoption of the model policy except for any
31 particular law enforcement agency which fails to timely create and

1 provide to the commission a policy for the agency in conformance with the
2 minimum standards set forth in this section.

3 (3) With respect to a motor vehicle stop, on and after January 1,
4 2002, the Nebraska State Patrol, the county sheriffs, all city and
5 village police departments, and any other law enforcement agency in this
6 state shall record and retain the following information using the form
7 developed and promulgated pursuant to section 20-505:

8 (a) The number of motor vehicle stops;

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

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

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

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

23 (4) The Nebraska Commission on Law Enforcement and Criminal Justice
24 may develop a uniform system for receiving allegations of racial
25 profiling. The Nebraska State Patrol, the county sheriffs, all city and
26 village police departments, and any other law enforcement agency in this
27 state shall provide to the commission (a) a copy of each allegation of
28 racial profiling received and (b) written notification of the review and
29 disposition of such allegation. No information revealing the identity of
30 the law enforcement officer involved in the stop shall be used,
31 transmitted, or disclosed in violation of any collective-bargaining

1 agreement provision or personnel rule under which such law enforcement
2 officer is employed. No information revealing the identity of the
3 complainant shall be used, transmitted, or disclosed in the form alleging
4 racial profiling.

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

10 (6) On or before October 1, 2002, and annually thereafter, the
11 Nebraska State Patrol, the county sheriffs, all city and village police
12 departments, and all other law enforcement agencies in this state shall
13 provide to the Nebraska Commission on Law Enforcement and Criminal
14 Justice, in such form as the commission prescribes, a summary report of
15 the information recorded pursuant to subsection (3) of this section.

16 (7) The Nebraska Commission on Law Enforcement and Criminal Justice
17 shall, within the limits of its existing appropriations, including any
18 grant funds which the commission is awarded for such purpose, provide for
19 an annual review and analysis of the prevalence and disposition of motor
20 vehicle stops based on racial profiling and allegations of racial
21 profiling involved in other detentions reported pursuant to this section.
22 After the review and analysis, the commission may, when it deems
23 warranted, inquire into and study individual law enforcement agency
24 circumstances in which the raw data collected and analyzed raises at
25 least some issue or appearance of possible racial profiling. The
26 commission may make recommendations to any such law enforcement agency
27 for the purpose of improving measures to prevent racial profiling or the
28 appearance of racial profiling. The results of such review, analysis,
29 inquiry, and study and any recommendations by the commission to any law
30 enforcement agency shall be reported annually to the Governor and the
31 Legislature. The report submitted to the Legislature shall be submitted

1 electronically.

2 (8) Any law enforcement officer, prosecutor, defense attorney, or
3 probation officer, unless restricted by privilege, who becomes aware of
4 incidents of racial profiling by a law enforcement agency, shall report
5 such incidents to the Nebraska Commission on Law Enforcement and Criminal
6 Justice within thirty days after becoming aware of such practice.

7 (9) If the Nebraska State Patrol, a county sheriff, a city and
8 village police department, or any other law enforcement agency in this
9 state fails, in a material manner, to record or retain information as
10 required by subsection (3) of this section or to provide the information
11 to the Nebraska Commission on Law Enforcement and Criminal Justice as
12 required by subsection (6) of this section, such agency shall be
13 ineligible to receive loans, grants, funds, or donations administered by
14 the commission until the commission determines that such material failure
15 has been corrected.

16 Sec. 2. Section 23-1701.01, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 23-1701.01 (1) Any candidate for the office of sheriff who does not
19 have a law enforcement officer certificate or diploma issued by the
20 Nebraska Commission on Law Enforcement and Criminal Justice shall submit
21 with the candidate filing form required by section 32-607 a standardized
22 letter issued by the director of the Nebraska Law Enforcement Training
23 Center certifying that the candidate has:

24 (a) Within one calendar year prior to the deadline for filing the
25 candidate filing form, passed a background investigation performed by the
26 Nebraska Law Enforcement Training Center based on a check of his or her
27 criminal history record information maintained by the Federal Bureau of
28 Investigation through the Nebraska State Patrol. The candidate who has
29 not passed a background investigation shall apply for the background
30 investigation at least thirty days prior to the filing deadline for the
31 candidate filing form; and

1 (b) Received a minimum combined score on the reading comprehension
2 and English language portions of an adult basic education examination
3 designated by the Nebraska Law Enforcement Training Center.

4 (2) Each sheriff shall attend the Nebraska Law Enforcement Training
5 Center and receive a certificate attesting to satisfactory completion of
6 the Sheriff's Certification Course within eight months after taking
7 office unless such sheriff has already been awarded a certificate by the
8 Nebraska Commission on Law Enforcement and Criminal Justice attesting to
9 satisfactory completion of such course or unless such sheriff can
10 demonstrate to the Nebraska Police Standards Advisory Council that his or
11 her previous training and education is such that he or she will
12 professionally discharge the duties of the office. Any sheriff in office
13 prior to July 19, 1980, shall not be required to obtain a certificate
14 attesting to satisfactory completion of the Sheriff's Certification
15 Course but shall otherwise be subject to this section. Notwithstanding
16 sections 81-1401 to 81-1414.10, each sheriff shall attend twenty hours of
17 continuing education in criminal justice and law enforcement courses and
18 at least two hours of anti-bias and implicit bias training designed to
19 minimize apparent or actual racial profiling approved by the council each
20 year following the first year of such sheriff's term of office. Such
21 continuing education shall be offered through seminars, advanced
22 education which may include college or university classes, conferences,
23 instruction conducted within the sheriff's office, or instruction
24 conducted over the Internet, except that instruction conducted over the
25 Internet shall be limited to ten hours annually, and shall be of a type
26 which has application to and seeks to maintain and improve the skills of
27 the sheriffs in carrying out the responsibilities of their office.

28 (3) Notwithstanding section 81-1403, unless a sheriff is able to
29 show good cause for not complying with subsection (2) of this section or
30 obtains a waiver of the training requirements from the council, any
31 sheriff who violates subsection (2) of this section shall be punished by

1 a fine equal to such sheriff's monthly salary. Each month in which such
2 violation occurs shall constitute a separate offense.

3 Sec. 3. Section 81-1414.07, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 81-1414.07 (1) In order to maintain his or her professional status
6 and serve the law enforcement profession, the community, and the
7 residents of Nebraska, each law enforcement officer shall attend at least
8 twenty hours of continuing education courses in the areas of criminal
9 justice and law enforcement and at least two hours of anti-bias and
10 implicit bias training designed to minimize apparent or actual racial
11 profiling during each calendar year beginning on January 1 and ending on
12 December 31. A law enforcement officer is not required to meet the
13 continuing education requirements in the year in which he or she first
14 becomes fully certified.

15 (2) Continuing education courses may be offered in the form of
16 seminars, advanced education which may include college or university
17 classes, conferences, instruction conducted within the law enforcement
18 officer's law enforcement agency, or instruction conducted over the
19 Internet, except that instruction conducted over the Internet shall be
20 limited to ten hours annually, and shall be of a type which has
21 application to and seeks to maintain and improve the skills of the law
22 enforcement officer in carrying out his or her duties and
23 responsibilities.

24 Sec. 4. Original sections 23-1701.01 and 81-1414.07, Reissue
25 Revised Statutes of Nebraska, and section 20-504, Revised Statutes
26 Cumulative Supplement, 2018, are repealed.

27 Sec. 5. Since an emergency exists, this act takes effect when
28 passed and approved according to law.