LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 353

Introduced by Pansing Brooks, 28; Morfeld, 46.
Read first time January 16, 2019
Committee: Judiciary

A BILL FOR AN ACT relating to law enforcement; to amend sections
25-21, 303, 28-109, 28-359, 28-710, 28-1008, 29-4103, 49-801,
53-1, 121, 60-646, 60-683, 69-2429, 71-507, 71-910, and 86-802,
Reissue Revised Statutes of Nebraska, and sections 20-502, 20-504,
28-470, 42-903, 48-202, 54-902, 81-1401, 81-1452, 81-1455, and
85-2602, Revised Statutes Cumulative Supplement, 2018; to provide
powers and duties for University of Nebraska police departments and
police officers as prescribed; to redefine terms; and to repeal the
original sections.
Be it enacted by the people of the State of Nebraska,
Section 1. Section 20-502, Revised Statutes Cumulative Supplement, 2018, is amended to read:

20-502 (1) No member of the Nebraska State Patrol or a county sheriff's office, officer of a city or village police department, officer of a University of Nebraska police department, or member of any other law enforcement agency in this state shall engage in racial profiling. The disparate treatment of an individual who has been detained or whose motor vehicle has been stopped by a law enforcement officer is inconsistent with this policy.

(2) Racial profiling shall not be used to justify the detention of an individual or to conduct a motor vehicle stop.

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

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

(a) Internal affairs investigation;

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

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

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

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

(2) The Nebraska Commission on Law Enforcement and Criminal Justice may develop and distribute a suggested model written racial profiling prevention policy for use by law enforcement agencies, but the commission shall not mandate the adoption of the model policy except for any particular law enforcement agency which fails to timely create and provide to the commission a policy for the agency in conformance with the minimum standards set forth in this section.

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

   (a) The number of motor vehicle stops;

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

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

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

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

(4) The Nebraska Commission on Law Enforcement and Criminal Justice may develop a uniform system for receiving allegations of racial profiling. The Nebraska State Patrol, the county sheriffs, all city and village police departments, all University of Nebraska police departments, and any other law enforcement agency in this state shall provide to the commission (a) a copy of each allegation of racial profiling received and (b) written notification of the review and disposition of such allegation. No information revealing the identity of the law enforcement officer involved in the stop shall be used, transmitted, or disclosed in violation of any collective-bargaining agreement provision or personnel rule under which such law enforcement officer is employed. No information revealing the identity of the complainant shall be used, transmitted, or disclosed in the form alleging racial profiling.

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

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

(7) The Nebraska Commission on Law Enforcement and Criminal Justice shall, within the limits of its existing appropriations, including any grant funds which the commission is awarded for such purpose, provide for

-4-
an annual review and analysis of the prevalence and disposition of motor vehicle stops based on racial profiling and allegations of racial profiling involved in other detentions reported pursuant to this section. After the review and analysis, the commission may, when it deems warranted, inquire into and study individual law enforcement agency circumstances in which the raw data collected and analyzed raises at least some issue or appearance of possible racial profiling. The commission may make recommendations to any such law enforcement agency for the purpose of improving measures to prevent racial profiling or the appearance of racial profiling. The results of such review, analysis, inquiry, and study and any recommendations by the commission to any law enforcement agency shall be reported annually to the Governor and the Legislature. The report submitted to the Legislature shall be submitted electronically.

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

Sec. 3. Section 25-21,303, Reissue Revised Statutes of Nebraska, is amended to read:

25-21,303 (1) For all money, securities, negotiable instruments, firearms, conveyances, or real estate seized pursuant to section 25-21,302, the appropriate law enforcement agency or, as provided in subsection (5) of this section, the prosecuting attorney shall provide a written report of the forfeiture to the Auditor of Public Accounts. The report shall include:

(a) The date of the seizure;

(b) The type of property seized, such as a vehicle, currency, or a firearm;

(c) A description of the property seized, including, if applicable,
the make, model, year, and serial number of the property seized;
(d) The street name and traffic direction where the seizure occurred, such as eastbound, westbound, southbound, or northbound;
(e) The crime for which the suspect was charged;
(f) The disposition of the property seized through the forfeiture process, such as the property was returned to the suspect, returned to a third-party owner, sold, destroyed, or retained by law enforcement;
(g) The basis for disposition of the seized property, such as the suspect was found not guilty, agreement for disposition, criminal forfeiture, or civil forfeiture;
(h) The value of the property forfeited;
(i) If the seizure resulted from a motor vehicle stop, (i) whether a warning or citation was issued, an arrest was made, or a search was conducted and (ii) the characteristics of the race or ethnicity of the suspect. The identification of such characteristics shall be based on the observation and perception of the law enforcement officer responsible for reporting the motor vehicle stop. The information shall not be required to be provided by the suspect; and
(j) Any additional information the Nebraska State Patrol, a county sheriff, any city or village police department, a University of Nebraska police departments, or any other law enforcement agency in this state, as the case may be, deems appropriate.
(2) The appropriate law enforcement agency or prosecuting attorney shall report to the Auditor of Public Accounts all instances in which property seized for forfeiture was returned to its owner either because the forfeiture was not pursued or for any other reason.
(3) Reports shall be made on an annual basis in a manner prescribed by the Auditor of Public Accounts. The Auditor of Public Accounts shall submit a report to the Legislature on the nature and extent of such seizures on an annual basis. Such report shall be submitted electronically.
(4) For forfeitures resulting from the activities of multijurisdictional law enforcement entities, a law enforcement entity other than a Nebraska law enforcement entity shall, on its own initiative, report the information required by this section.

(5) The prosecuting attorney is not required to report information required by this section unless he or she has been notified by the Auditor of Public Accounts that the appropriate law enforcement agency has not reported the information required by this section.

Sec. 4. Section 28-109, Reissue Revised Statutes of Nebraska, is amended to read:

28-109 For purposes of the Nebraska Criminal Code, unless the context otherwise requires:

(1) Act shall mean a bodily movement, and includes words and possession of property;

(2) Aid or assist shall mean knowingly to give or lend money or credit to be used for, or to make possible or available, or to further activity thus aided or assisted;

(3) Benefit shall mean any gain or advantage to the beneficiary including any gain or advantage to another person pursuant to the desire or consent of the beneficiary;

(4) Bodily injury shall mean physical pain, illness, or any impairment of physical condition;

(5) Conduct shall mean an action or omission and its accompanying state of mind, or, where relevant, a series of acts and omissions;

(6) Conveyance shall mean a mode of transportation that includes any vehicle, aircraft, or watercraft;

(7) Deadly physical force shall mean force, the intended, natural, and probable consequence of which is to produce death, or which does, in fact, produce death;

(8) Deadly weapon shall mean any firearm, knife, bludgeon, or other device, instrument, material, or substance, whether animate or inanimate,
which in the manner it is used or intended to be used is capable of producing death or serious bodily injury;

(9) Deface shall mean to alter the appearance of something by removing, distorting, adding to, or covering all or a part of the thing;

(10) Dwelling shall mean a building or other thing which is used, intended to be used, or usually used by a person for habitation;

(11) Government shall mean the United States, any state, county, municipality, or other political unit, any branch, department, agency, or subdivision of any of the foregoing, and any corporation or other entity established by law to carry out any governmental function;

(12) Governmental function shall mean any activity which a public servant is legally authorized to undertake on behalf of government;

(13) Motor vehicle shall mean every self-propelled land vehicle, not operated upon rails, except self-propelled chairs used by persons who are disabled, electric personal assistive mobility devices as defined in section 60-618.02, and bicycles as defined in section 60-611;

(14) Omission shall mean a failure to perform an act as to which a duty of performance is imposed by law;

(15) Peace officer shall mean any officer or employee of the state or a political subdivision authorized by law to make arrests, and any University of Nebraska police officer and shall include members of the National Guard on active service by direction of the Governor during periods of emergency or civil disorder;

(16) Pecuniary benefit shall mean benefit in the form of money, property, commercial interest, or anything else, the primary significance of which is economic gain;

(17) Person shall mean any natural person and where relevant a corporation or an unincorporated association;

(18) Public place shall mean a place to which the public or a substantial number of the public has access, and includes but is not limited to highways, transportation facilities, schools, places of
amusement, parks, playgrounds, and the common areas of public and private
buildings and facilities;

(19) Public servant shall mean any officer or employee of
government, whether elected or appointed, and any person participating as
an advisor, consultant, process server, or otherwise in performing a
governmental function, but the term does not include witnesses;

(20) Recklessly shall mean acting with respect to a material element
of an offense when any person disregards a substantial and unjustifiable
risk that the material element exists or will result from his or her
conduct. The risk must be of such a nature and degree that, considering
the nature and purpose of the actor's conduct and the circumstances known
to the actor, its disregard involves a gross deviation from the standard
of conduct that a law-abiding person would observe in the actor's
situation;

(21) Serious bodily injury shall mean bodily injury which involves a
substantial risk of death, or which involves substantial risk of serious
permanent disfigurement, or protracted loss or impairment of the function
of any part or organ of the body;

(22) Tamper shall mean to interfere with something improperly or to
make unwarranted alterations in its condition;

(23) Thing of value shall mean real property, tangible and
intangible personal property, contract rights, choses in action,
services, and any rights of use or enjoyment connected therewith; and

(24) Voluntary act shall mean an act performed as a result of effort
or determination, and includes the possession of property if the actor
was aware of his or her physical possession or control thereof for a
sufficient period to have been able to terminate it.

Sec. 5. Section 28-359, Reissue Revised Statutes of Nebraska, is
amended to read:

28-359 Law enforcement agency shall mean the police department or
the town marshal in incorporated municipalities, the office of the
sheriff in unincorporated areas, a University of Nebraska police
department, and the Nebraska State Patrol.

Sec. 6. Section 28-470, Revised Statutes Cumulative Supplement, 2018, is amended to read:

28-470 (1) A health professional who is authorized to prescribe or dispense naloxone, if acting with reasonable care, may prescribe, administer, or dispense naloxone to any of the following persons without being subject to administrative action or criminal prosecution:

(a) A person who is apparently experiencing or who is likely to experience an opioid-related overdose; or

(b) A family member, friend, or other person in a position to assist a person who is apparently experiencing or who is likely to experience an opioid-related overdose.

(2) A family member, friend, or other person who is in a position to assist a person who is apparently experiencing or who is likely to experience an opioid-related overdose, other than an emergency responder or peace officer, is not subject to actions under the Uniform Credentialing Act, administrative action, or criminal prosecution if the person, acting in good faith, obtains naloxone from a health professional or a prescription for naloxone from a health professional and administers the naloxone obtained from the health professional or acquired pursuant to the prescription to a person who is apparently experiencing an opioid-related overdose.

(3) An emergency responder who, acting in good faith, obtains naloxone from the emergency responder's emergency medical service organization and administers the naloxone to a person who is apparently experiencing an opioid-related overdose shall not be:

(a) Subject to administrative action or criminal prosecution; or

(b) Personally liable in any civil action to respond in damages as a result of his or her acts of commission or omission arising out of and in the course of his or her rendering such care or services or arising out...
of his or her failure to act to provide or arrange for further medical
treatment or care for the person who is apparently experiencing an
opioid-related overdose, unless the emergency responder caused damage or
injury by his or her willful, wanton, or grossly negligent act of
commission or omission. This subdivision shall not affect the liability
of such emergency medical service organization for the emergency
responder's acts of commission or omission.

(4) A peace officer or law enforcement employee who, acting in good
faith, obtains naloxone from the peace officer's or employee's law
enforcement agency and administers the naloxone to a person who is
apparently experiencing an opioid-related overdose shall not be:
(a) Subject to administrative action or criminal prosecution; or
(b) Personally liable in any civil action to respond in damages as a
result of his or her acts of commission or omission arising out of and in
the course of his or her rendering such care or services or arising out
of his or her failure to act to provide or arrange for further medical
treatment or care for the person who is apparently experiencing an
opioid-related overdose, unless the peace officer or employee caused
damage or injury by his or her willful, wanton, or grossly negligent act
of commission or omission. This subdivision shall not affect the
liability of such law enforcement agency for the peace officer's or
employee's acts of commission or omission.

(5) For purposes of this section:
(a) Administer has the same meaning as in section 38-2806;
(b) Dispense has the same meaning as in section 38-2817;
(c) Emergency responder means an emergency medical responder, an
emergency medical technician, an advanced emergency medical technician,
or a paramedic licensed under the Emergency Medical Services Practice Act
or practicing pursuant to the EMS Personnel Licensure Interstate Compact;
(d) Health professional means a physician, physician assistant,
nurse practitioner, or pharmacist licensed under the Uniform
Credentialing Act;

(e) Law enforcement agency means a police department, a town marshal, the office of sheriff, a University of Nebraska police department, or the Nebraska State Patrol;

(f) Law enforcement employee means an employee of a law enforcement agency, a contractor of a law enforcement agency, or an employee of such contractor who regularly, as part of his or her duties, handles, processes, or is likely to come into contact with any evidence or property which may include or contain opioids;

(g) Naloxone means naloxone hydrochloride; and

(h) Peace officer has the same meaning as in section 49-801.

Sec. 7. Section 28-710, Reissue Revised Statutes of Nebraska, is amended to read:

28-710 (1) Sections 28-710 to 28-727 shall be known and may be cited as the Child Protection and Family Safety Act.

(2) For purposes of the Child Protection and Family Safety Act:

(a) Alternative response means a comprehensive assessment of (i) child safety, (ii) the risk of future child abuse or neglect, (iii) family strengths and needs, and (iv) the provision of or referral for necessary services and support. Alternative response is an alternative to traditional response and does not include an investigation or a formal determination as to whether child abuse or neglect has occurred, and the subject of the report shall not be entered into the central registry of child protection cases maintained pursuant to section 28-718;

(b) Child abuse or neglect means knowingly, intentionally, or negligently causing or permitting a minor child to be:

(i) Placed in a situation that endangers his or her life or physical or mental health;

(ii) Cruelly confined or cruelly punished;

(iii) Deprived of necessary food, clothing, shelter, or care;

(iv) Left unattended in a motor vehicle if such minor child is six
years of age or younger;

(v) Sexually abused; or

(vi) Sexually exploited by allowing, encouraging, or forcing such
person to solicit for or engage in prostitution, debauchery, public
indecency, or obscene or pornographic photography, films, or depictions;

(c) Comprehensive assessment means an analysis of child safety, risk
of future child abuse or neglect, and family strengths and needs on a
report of child abuse or neglect. Comprehensive assessment does not
include a determination as to whether the child abuse or neglect occurred
but does determine the need for services and support to address the
safety of children and the risk of future abuse or neglect;

(d) Department means the Department of Health and Human Services;

(e) Investigation means fact gathering related to the current safety
of a child and the risk of future child abuse or neglect that determines
whether child abuse or neglect has occurred and whether child protective
services are needed;

(f) Law enforcement agency means the police department or town
marshal in incorporated municipalities, the office of the sheriff in
unincorporated areas, a University of Nebraska police department, and the
Nebraska State Patrol;

(g) Out-of-home child abuse or neglect means child abuse or neglect
occurring in day care homes, foster homes, day care centers, residential
child-caring agencies as defined in section 71-1926, and other child care
facilities or institutions;

(h) Review, Evaluate, and Decide Team means an internal team of
staff within the department and shall include no fewer than two
supervisors or administrators and two staff members knowledgeable on the
policies and practices of the department, including, but not limited to,
the structured review process. County attorneys, child advocacy centers,
or law enforcement agency personnel may attend team reviews upon request
of a party;
(i) Traditional response means an investigation by a law enforcement agency or the department pursuant to section 28-713 which requires a formal determination of whether child abuse or neglect has occurred; and

(j) Subject of the report of child abuse or neglect means the person or persons identified in the report as responsible for the child abuse or neglect.

Sec. 8. Section 28-1008, Reissue Revised Statutes of Nebraska, is amended to read:

28-1008 For purposes of sections 28-1008 to 28-1017, 28-1019, and 28-1020:

(1) Abandon means to leave any animal in one's care, whether as owner or custodian, for any length of time without making effective provision for its food, water, or other care as is reasonably necessary for the animal's health;

(2) Animal means any vertebrate member of the animal kingdom. Animal does not include an uncaptured wild creature or a livestock animal as defined in section 54-902;

(3) Cruelly mistreat means to knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise inflict harm upon any animal;

(4) Cruelly neglect means to fail to provide any animal in one's care, whether as owner or custodian, with food, water, or other care as is reasonably necessary for the animal's health;

(5) Humane killing means the destruction of an animal by a method which causes the animal a minimum of pain and suffering;

(6) Law enforcement officer means any member of the Nebraska State Patrol, any University of Nebraska police officer, any county or deputy sheriff, any member of the police force of any city or village, or any other public official authorized by a city or village to enforce state or local animal control laws, rules, regulations, or ordinances. Law enforcement officer also includes a special investigator appointed as a
(7) Mutilation means intentionally causing permanent injury, disfigurement, degradation of function, incapacitation, or imperfection to an animal. Mutilation does not include conduct performed by a veterinarian licensed to practice veterinary medicine and surgery in this state or conduct that conforms to accepted veterinary practices;

(8) Owner or custodian means any person owning, keeping, possessing, harboring, or knowingly permitting an animal to remain on or about any premises owned or occupied by such person;

(9) Police animal means a horse or dog owned or controlled by the State of Nebraska, the Board of Regents of the University of Nebraska, or any county, city, or village for the purpose of assisting a law enforcement officer in the performance of his or her official enforcement duties;

(10) Repeated beating means intentional successive strikes to an animal by a person resulting in serious bodily injury or death to the animal;

(11) Serious injury or illness includes any injury or illness to any animal which creates a substantial risk of death or which causes broken bones, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ; and

(12) Torture means intentionally subjecting an animal to extreme pain, suffering, or agony. Torture does not include conduct performed by a veterinarian licensed to practice veterinary medicine and surgery in this state or conduct that conforms to accepted veterinary practices.

Sec. 9. Section 29-4103, Reissue Revised Statutes of Nebraska, is amended to read:

29-4103 For purposes of the DNA Identification Information Act:

(1) Combined DNA Index System means the Federal Bureau of
Investigation's national DNA identification index system that allows the storage and exchange of DNA records submitted by state and local forensic DNA laboratories;

(2) DNA means deoxyribonucleic acid which is located in the cells and provides an individual's personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification;

(3) DNA record means the DNA identification information stored in the State DNA Data Base or the Combined DNA Index System which is derived from DNA typing test results;

(4) DNA sample means a blood, tissue, or bodily fluid sample provided by any person covered by the DNA Identification Information Act for analysis or storage, or both;

(5) DNA typing tests means the laboratory procedures which evaluate the characteristics of a DNA sample which are of value in establishing the identity of an individual;

(6) Law enforcement agency includes a police department, a town marshal, a county sheriff, a University of Nebraska police department, and the Nebraska State Patrol;

(7) Other specified offense means misdemeanor stalking pursuant to sections 28-311.02 to 28-311.05 or false imprisonment in the second degree pursuant to section 28-315 or an attempt, conspiracy, or solicitation to commit stalking pursuant to sections 28-311.02 to 28-311.05, false imprisonment in the first degree pursuant to section 28-314, false imprisonment in the second degree pursuant to section 28-315, knowing and intentional sexual abuse of a vulnerable adult or senior adult pursuant to subdivision (1)(c) of section 28-386, or a violation of the Sex Offender Registration Act pursuant to section 29-4011; and

(8) Released means any release, parole, furlough, work release, prerelease, or release in any other manner from a prison, a jail, or any
other detention facility or institution.

Sec. 10. Section 42-903, Revised Statutes Cumulative Supplement, 2018, is amended to read:

42-903 For purposes of the Protection from Domestic Abuse Act, unless the context otherwise requires:

1. Abuse means the occurrence of one or more of the following acts between family or household members:

   a. Attempting to cause or intentionally and knowingly causing bodily injury with or without a dangerous instrument;

   b. Placing, by means of credible threat, another person in fear of bodily injury. For purposes of this subdivision, credible threat means a verbal or written threat, including a threat performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct that is made by a person with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat shall not prevent the threat from being deemed a credible threat under this section; or

   c. Engaging in sexual contact or sexual penetration without consent as defined in section 28-318;

2. Department means the Department of Health and Human Services;

3. Family or household members includes spouses or former spouses, children, persons who are presently residing together or who have resided together in the past, persons who have a child in common whether or not they have been married or have lived together at any time, other persons related by consanguinity or affinity, and persons who are presently involved in a dating relationship with each other or who have been involved in a dating relationship with each other. For purposes of this
subdivision, dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context; and

(4) Law enforcement agency means the police department or town marshal in incorporated municipalities, the office of the sheriff in unincorporated areas, a University of Nebraska police department, and the Nebraska State Patrol.

Sec. 11. Section 48-202, Revised Statutes Cumulative Supplement, 2018, is amended to read:

48-202 (1) Except as otherwise provided in this section, a public employer shall not ask an applicant for employment to disclose, orally or in writing, information concerning the applicant's criminal record or history, including any inquiry on any employment application, until the public employer has determined the applicant meets the minimum employment qualifications.

(2) This section does not apply to any law enforcement agency, to any position for which a public employer is required by federal or state law to conduct a criminal history record information check, or to any position for which federal or state law specifically disqualifies an applicant with a criminal background.

(3)(a) This section does not prevent a public employer that is a school district or educational service unit from requiring an applicant for employment to disclose an applicant's criminal record or history relating to sexual or physical abuse.

(b) This section does not prevent a public employer from preparing or delivering an employment application that conspicuously states that a criminal history record information check is required by federal law, state law, or the employer's policy.

(c) This section does not prevent a public employer from conducting a criminal history record information check after the public employer has
determined that the applicant meets the minimum employment qualifications.

(4) For purposes of this section:

(a) Law enforcement agency means an agency or department of this state or of any political subdivision of this state which is responsible for the prevention and detection of crime, the enforcement of the penal, traffic, or highway laws of this state or any political subdivision of this state, and the enforcement of arrest warrants. Law enforcement agency includes a police department, an office of the town marshal, an office of the county sheriff, a University of Nebraska police department, the Nebraska State Patrol, and any department to which a deputy state sheriff is assigned as provided in section 84-106; and

(b) Public employer means an agency or department of this state or of any political subdivision of this state.

Sec. 12. Section 49-801, Reissue Revised Statutes of Nebraska, is amended to read:

49-801 Unless the context is shown to intend otherwise, words and phrases in the statutes of Nebraska hereafter enacted are used in the following sense:

(1) Acquire when used in connection with a grant of power or property right to any person shall include the purchase, grant, gift, devise, bequest, and obtaining by eminent domain;

(2) Action shall include any proceeding in any court of this state;

(3) Attorney shall mean attorney at law;

(4) Company shall include any corporation, partnership, limited liability company, joint-stock company, joint venture, or association;

(5) Domestic when applied to corporations shall mean all those created by authority of this state;

(6) Federal shall refer to the United States;

(7) Foreign when applied to corporations shall include all those created by authority other than that of this state;
(8) Grantee shall include every person to whom any estate or interest passes in or by any conveyance;

(9) Grantor shall include every person from or by whom any estate or interest passes in or by any conveyance;

(10) Inhabitant shall be construed to mean a resident in the particular locality in reference to which that word is used;

(11) Land or real estate shall include lands, tenements, and hereditaments and all rights thereto and interest therein other than a chattel interest;

(12) Magistrate shall include judge of the county court and clerk magistrate;

(13) Month shall mean calendar month;

(14) Oath shall include affirmation in all cases in which an affirmation may be substituted for an oath;

(15) Peace officer shall include sheriffs, coroners, jailers, marshals, police officers, University of Nebraska police officers, state highway patrol officers, members of the National Guard on active service by direction of the Governor during periods of emergency, and all other persons with similar authority to make arrests;

(16) Person shall include bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, limited liability companies, joint-stock companies, and associations;

(17) Personal estate shall include money, goods, chattels, claims, and evidences of debt;

(18) Process shall mean a summons, subpoena, or notice to appear issued out of a court in the course of judicial proceedings;

(19) Service animal shall have the same meaning as in 28 C.F.R. 36.104, as such regulation existed on January 1, 2008;

(20) State when applied to different states of the United States shall be construed to extend to and include the District of Columbia and the several territories organized by Congress;
Sworn shall include affirmed in all cases in which an affirmation may be substituted for an oath;

The United States shall include territories, outlying possessions, and the District of Columbia;

Violation shall include failure to comply with;

Writ shall signify an order or citation in writing issued in the name of the state out of a court or by a judicial officer; and

Year shall mean calendar year.

Sec. 13. Section 53-1,121, Reissue Revised Statutes of Nebraska, is amended to read:

53-1,121 (1) City police, county sheriffs, officers of the Nebraska State Patrol, University of Nebraska police officers, and any other such law enforcement officer with power to arrest for traffic violations may take a person who is intoxicated and in the judgment of the officer dangerous to himself, herself, or others, or who is otherwise incapacitated, from any public or quasi-public property. An officer removing an intoxicated person from public or quasi-public property shall make a reasonable effort to take such intoxicated person to his or her home or to place such person in any hospital, clinic, alcoholism center, or with a medical doctor as may be necessary to preserve life or to prevent injury. Such effort at placement shall be deemed reasonable if the officer contacts those facilities or doctors which have previously represented a willingness to accept and treat such individuals and which regularly do accept such individuals. If such efforts are unsuccessful or are not feasible, the officer may then place such intoxicated person in civil protective custody, except that civil protective custody shall be used only as long as is necessary to preserve life or to prevent injury, and under no circumstances for longer than twenty-four hours.

(2) The placement of such person in civil protective custody shall be recorded at the facility or jail to which he or she is delivered and communicated to his or her family or next of kin, if they can be located,
or to such person designated by the person taken into civil protective custody.

(3) The law enforcement officer who acts in compliance with this section shall be deemed to be acting in the course of his or her official duty and shall not be criminally or civilly liable for such actions.

(4) The taking of an individual into civil protective custody under this section shall not be considered an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(5) For purposes of this section, public property shall mean any public right-of-way, street, highway, alley, park, or other state, county, or municipally owned property.

(6) For the purposes of this section, quasi-public property shall mean and include private or publicly owned property utilized for proprietary or business uses which invites patronage by the public or which invites public ingress and egress.

Sec. 14. Section 54-902, Revised Statutes Cumulative Supplement, 2018, is amended to read:

54-902 For purposes of the Livestock Animal Welfare Act:

(1) Abandon means to leave a livestock animal in one's care, whether as owner or custodian, for any length of time without making effective provision for the livestock animal's feed, water, or other care as is reasonably necessary for the livestock animal's health;

(2) Animal welfare practice means veterinarian practices and animal husbandry practices common to the livestock animal industry, including transport of livestock animals from one location to another;

(3) Bovine means a cow, an ox, or a bison;

(4) Cruelly mistreat means to knowingly and intentionally kill or cause physical harm to a livestock animal in a manner that is not consistent with animal welfare practices;

(5) Cruelly neglect means to fail to provide a livestock animal in
one's care, whether as owner or custodian, with feed, water, or other
care as is reasonably necessary for the livestock animal's health;

(6) Equine means a horse, pony, donkey, mule, or hinny;

(7) Euthanasia means the destruction of a livestock animal by
commonly accepted veterinary practices;

(8) Law enforcement officer means any member of the Nebraska State
Patrol, any University of Nebraska police officer, any county or deputy
sheriff, any member of the police force of any city or village, or any
other public official authorized by a city or village to enforce state or
local laws, rules, regulations, or ordinances;

(9) Livestock animal means any bovine, equine, swine, sheep, goats,
domesticated cervine animals, ratite birds, llamas, or poultry;

(10) Owner or custodian means any person owning, keeping,
possessing, harboring, or knowingly permitting an animal to remain on or
about any premises owned or occupied by such person; and

(11) Serious injury or illness includes any injury or illness to any
livestock animal which creates a substantial risk of death or which
causes broken bones, prolonged impairment of health, or prolonged loss or
impairment of the function of any bodily organ.

Sec. 15. Section 60-646, Reissue Revised Statutes of Nebraska, is
amended to read:

60-646 Peace officer shall mean any town marshal, chief of police,
local police officer, University of Nebraska police officer, sheriff, or
deputy sheriff, the Superintendent of Law Enforcement and Public Safety,
or any officer of the Nebraska State Patrol and shall also include
members of the National Guard on active service by direction of the
Governor during periods of emergency or civil disorder and Game and Parks
Commission conservation officers while in areas under the control of the
Game and Parks Commission. With respect to directing traffic only, peace
officer shall also include any person authorized to direct or regulate
traffic.
Sec. 16. Section 60-683, Reissue Revised Statutes of Nebraska, is amended to read:

60-683 All peace officers are hereby specifically directed and authorized and it shall be deemed and considered a part of the official duties of each of such officers to enforce the provisions of the Nebraska Rules of the Road, including the specific enforcement of maximum speed limits, and any other law regulating the operation of vehicles or the use of the highways. To perform the official duties imposed by this section, the Superintendent of Law Enforcement and Public Safety and all officers of the Nebraska State Patrol shall have the powers stated in section 81-2005. All other peace officers, including University of Nebraska police officers, shall have the power:

(1) To make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of the Motor Vehicle Operator's License Act or of any other law regulating the operation of vehicles or the use of the highways, if and when designated or called upon to do so as provided by law;

(2) To make arrests upon view and without warrant for any violation committed in their presence of any provision of the laws of this state relating to misdemeanors or felonies, if and when designated or called upon to do so as provided by law;

(3) At all times to direct all traffic in conformity with law or, in the event of a fire or other emergency or in order to expedite traffic or insure safety, to direct traffic as conditions may require;

(4) When in uniform, to require the driver of a vehicle to stop and exhibit his or her operator's license and registration certificate issued for the vehicle and submit to an inspection of such vehicle and the license plates and registration certificate for the vehicle and to require the driver of a motor vehicle to present the vehicle within five days for correction of any defects revealed by such motor vehicle inspection as may lead the inspecting officer to reasonably believe that
such motor vehicle is being operated in violation of the statutes of
Nebraska or the rules and regulations of the Director of Motor Vehicles;

(5) To inspect any vehicle of a type required to be registered
according to law in any public garage or repair shop or in any place
where such a vehicle is held for sale or wrecking;

(6) To serve warrants relating to the enforcement of the laws
regulating the operation of vehicles or the use of the highways; and

(7) To investigate traffic accidents for the purpose of carrying on
a study of traffic accidents and enforcing motor vehicle and highway
safety laws.

Sec. 17. Section 69-2429, Reissue Revised Statutes of Nebraska, is
amended to read:

69-2429 For purposes of the Concealed Handgun Permit Act:

(1) Concealed handgun means the handgun is totally hidden from view.
If any part of the handgun is capable of being seen, it is not a
concealed handgun;

(2) Emergency services personnel means a volunteer or paid
firefighter or rescue squad member or a person licensed to provide
emergency medical services pursuant to the Emergency Medical Services
Practice Act or authorized to provide emergency medical services pursuant
to the EMS Personnel Licensure Interstate Compact;

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

(4) Peace officer means any town marshal, University of Nebraska
police officer, chief of police or local police officer, sheriff or
deputy sheriff, the Superintendent of Law Enforcement and Public Safety,
any officer of the Nebraska State Patrol, any member of the National
Guard on active service by direction of the Governor during periods of
emergency or civil disorder, any Game and Parks Commission conservation
officer, and all other persons with similar authority to make arrests;
(5) Permitholder means an individual holding a current and valid
permit to carry a concealed handgun issued pursuant to the Concealed
Handgun Permit Act; and

(6) Proof of training means an original document or certified copy
of a document, supplied by an applicant, that certifies that he or she
either:

(a) Within the previous three years, has successfully completed a
handgun training and safety course approved by the Nebraska State Patrol
pursuant to section 69-2432; or

(b) Is a member of the active or reserve armed forces of the United
States or a member of the National Guard and has had handgun training
within the previous three years which meets the minimum safety and
training requirements of section 69-2432.

Sec. 18. Section 71-507, Reissue Revised Statutes of Nebraska, is
amended to read:

71-507 For purposes of sections 71-507 to 71-513:

(1) Alternate facility means a facility other than a health care
facility that receives a patient transported to the facility by an
emergency services provider;

(2) Department means the Department of Health and Human Services;

(3) Designated physician means the physician representing the
emergency services provider as identified by name, address, and telephone
number on the significant exposure report form. The designated physician
shall serve as the contact for notification in the event an emergency
services provider believes he or she has had significant exposure to an
infectious disease or condition. Each emergency services provider shall
designate a physician as provided in subsection (2) of section 71-509;

(4) Emergency services provider means an out-of-hospital emergency
care provider licensed pursuant to the Emergency Medical Services
Practice Act or authorized pursuant to the EMS Personnel Licensure
Interstate Compact, a sheriff, a deputy sheriff, a police officer, a
University of Nebraska police officer, a state highway patrol officer, a
funeral director, a paid or volunteer firefighter, a school district
employee, and a person rendering emergency care gratuitously as described
in section 25-21,186;

(5) Funeral director means a person licensed under section 38-1414
or an employee of such a person with responsibility for transport or
handling of a deceased human;

(6) Funeral establishment means a business licensed under section
38-1419;

(7) Health care facility has the meaning found in sections 71-419,
71-420, 71-424, and 71-429 or any facility that receives patients of
emergencies who are transported to the facility by emergency services
providers;

(8) Infectious disease or condition means hepatitis B, hepatitis C,
meningococcal meningitis, active pulmonary tuberculosis, human
immunodeficiency virus, diphtheria, plague, hemorrhagic fevers, rabies,
and such other diseases as the department may by rule and regulation
specify;

(9) Patient means an individual who is sick, injured, wounded,
deceased, or otherwise helpless or incapacitated;

(10) Patient's attending physician means the physician having the
primary responsibility for the patient as indicated on the records of a
health care facility;

(11) Provider agency means any law enforcement agency, University of
Nebraska police department, fire department, emergency medical service,
funeral establishment, or other entity which employs or directs emergency
services providers or public safety officials;

(12) Public safety official means a sheriff, a deputy sheriff, a
police officer, University of Nebraska police officer, a state highway
patrol officer, a paid or volunteer firefighter, a school district
employee, and any civilian law enforcement employee or volunteer
performing his or her duties, other than those as an emergency services provider;

(13) Responsible person means an individual who has been designated by an alternate facility to carry out the facility's responsibilities under sections 71-507 to 71-513. A responsible person may be designated on a case-by-case basis;

(14) Significant exposure means a situation in which the body fluids, including blood, saliva, urine, respiratory secretions, or feces, of a patient or individual have entered the body of an emergency services provider or public safety official through a body opening including the mouth or nose, a mucous membrane, or a break in skin from cuts or abrasions, from a contaminated needlestick or scalpel, from intimate respiratory contact, or through any other situation when the patient's or individual's body fluids may have entered the emergency services provider's or public safety official's body or when an airborne pathogen may have been transmitted from the patient or individual to the emergency services provider or public safety official; and

(15) Significant exposure report form means the form used by the emergency services provider to document information necessary for notification of significant exposure to an infectious disease or condition.

Sec. 19. Section 71-910, Reissue Revised Statutes of Nebraska, is amended to read:

71-910 Peace officer or law enforcement officer means a sheriff, a jailer, a marshal, a police officer, a University of Nebraska police officer, or an officer of the Nebraska State Patrol.

Sec. 20. Section 81-1401, Revised Statutes Cumulative Supplement, 2018, is amended to read:

81-1401 For purposes of sections 81-1401 to 81-1414.10, unless the context otherwise requires:

(1) Commission means the Nebraska Commission on Law Enforcement and
(2) Council means the Nebraska Police Standards Advisory Council;

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

(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;

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

(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. Incapacity does not 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;

(7) Law enforcement agency means the police department or the town marshal in incorporated municipalities, the office of sheriff in unincorporated areas, any University of Nebraska police department, and the Nebraska State Patrol;

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

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

(ii) A county sheriff;

(iii) A full-time, part-time, or reserve employee of a county sheriff's office;
(iv) A full-time, part-time, or reserve employee of a municipal or village police agency;

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

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

(vii) A full-time or part-time University of Nebraska police officer; or

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

(b) Law enforcement officer does not include employees of the Department of Correctional Services, probation officers under the Nebraska Probation System, parole officers appointed by the Director of Supervision and Services of the Division of Parole Supervision, or employees of the Department of Revenue under section 77-366; and

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

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

(10) Training center means the Nebraska Law Enforcement Training Center; and

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

Sec. 21. Section 81-1452, Revised Statutes Cumulative Supplement, 2018, is amended to read:

81-1452 For purposes of sections 81-1452 to 81-1454, unless the context otherwise requires:

(1) Body-worn camera means a device worn by a peace officer in uniform which has the capability to record both audio and video of an interaction between a peace officer and a member of the public but does not include any device used by a plain clothes officer;

(2) Commission means the Nebraska Commission on Law Enforcement and Criminal Justice;

(3) Law enforcement agency means an agency or department of this state or of any political subdivision of this state which is responsible for the prevention and detection of crime, the enforcement of the penal, traffic, or highway laws of this state or any political subdivision of this state, and the enforcement of arrest warrants. Law enforcement agency includes a police department, an office of a town marshal, an office of a county sheriff, a University of Nebraska police department, the Nebraska State Patrol, and any department to which a deputy state sheriff is assigned as provided in section 84-106; and

(4) Peace officer means any officer or employee of a law enforcement agency authorized by law to make arrests.

Sec. 22. Section 81-1455, Revised Statutes Cumulative Supplement, 2018, is amended to read:

81-1455 (1) On or before January 1, 2017, the Nebraska State Patrol, each county sheriff, each city or village police department, and any other law enforcement agency in this state and, beginning January 1, 2020, each University of Nebraska police department, which conducts eyewitness suspect identifications shall adopt a written policy on eyewitness suspect identifications and provide a copy of such policy to
the Nebraska Commission on Law Enforcement and Criminal Justice. The policy shall include the minimum standards developed by the commission relating to the following: (a) Standards which describe the administration of a lineup, (b) procedures governing the instructions given by a peace officer to an eyewitness, and (c) procedures for documentation of the eyewitness's level of certainty of an identification.

(2) The Nebraska Commission on Law Enforcement and Criminal Justice shall distribute a standard model written policy on suspect identification by eyewitnesses. Any law enforcement agency described in subsection (1) of this section which fails to adopt its own policy as required by this section shall adopt the commission's standard model written policy.

Sec. 23. (1) University of Nebraska police officers employed by the chief executive officer of the University of Nebraska; the chancellors of the University of Nebraska-Lincoln, the University of Nebraska at Omaha, the University of Nebraska at Kearney, the University of Nebraska Medical Center; or any other postsecondary educational institution designated by the Legislature to be a part of the University of Nebraska have authority to aid state and local law enforcement agencies; enforce state law and city and village ordinances; and enforce the policies, bylaws, rules, and regulations of the Board of Regents of the University of Nebraska and its campuses, whether or not violation thereof constitutes a criminal offense. Upon satisfaction of the training requirements in section 81-1414, University of Nebraska police officers shall have the power and authority of law enforcement officers and peace officers throughout this state, including, but not limited to:

(a) On property owned, occupied, or operated by the Board of Regents of the University of Nebraska; an endowment association; an affiliated corporation; an athletic association; a fraternity, sorority, or other student group associated with the University of Nebraska; or at the site
of a function or academic program sponsored by the University of Nebraska;

(b) Within the city or village or county where such property, as described in subdivision (1)(a) of this section, is located, as necessary to protect the health, safety, and welfare of students, faculty, and staff of the University of Nebraska;

(c) Wherever University of Nebraska activities are taking place; or

(d) When there is reason to believe that a violation of state law or a city or village ordinance has occurred. In such case, University of Nebraska police officers may investigate and arrest persons for such violation anywhere as identified in subdivisions (1)(a), (b), and (c) of this section. University of Nebraska police officers shall also have authority to transport persons in custody to an appropriate facility, wherever located.

(2) In performance of any of the powers, duties, and functions authorized by this section or any other law, University of Nebraska police officers shall have the same responsibilities, rights, protections, and immunities afforded to other law enforcement officers and peace officers under law.

(3) Any University of Nebraska law enforcement agency may, under the Interlocal Cooperation Act, enter into an agreement with a city or village or county for supplemental law enforcement services. Under such an agreement, city or village or county law enforcement personnel may have enforcement authority when working directly with University of Nebraska agencies providing services at university events and activities as set forth in the agreement. Unless otherwise set forth in the agreement, each participating city or village or county shall provide liability insurance coverage for its own law enforcement personnel under section 13-1802.

Sec. 24. Section 85-2602, Revised Statutes Cumulative Supplement, 2018, is amended to read:
85-2602 For purposes of the Law Enforcement Education Act:

(1) Associate degree program means a degree program at a community college, state college, or state university which typically requires completion of an organized program of study of at least sixty semester credit hours or an equivalent that can be shown to accomplish the same goal. Associate degree program does not include a baccalaureate degree program;

(2) Baccalaureate degree program means a degree program at a community college, state college, or state university which typically requires completion of an organized program of study of at least one hundred twenty semester credit hours or an equivalent that can be shown to accomplish the same goal;

(3) Community college means a public postsecondary educational institution which is part of the community college system and includes all branches and campuses of such institution located within the State of Nebraska;

(4) Law enforcement officer means any person who is responsible for the prevention or detection of crime or the enforcement of the penal, traffic, or highway laws of the State of Nebraska or any political subdivision of the state for more than one hundred hours per year and who is authorized by law to make arrests;

(5) Law enforcement agency means a police department in a municipality, a sheriff’s office, a University of Nebraska police department, and the Nebraska State Patrol;

(6) State college means a public postsecondary educational institution which is part of the Nebraska state college system and includes all branches and campuses of such institution located within the State of Nebraska;

(7) State university means a public postsecondary educational institution which is part of the University of Nebraska and includes all branches and campuses of such institution located within the State of
Nebraska; and

(8) Tuition means the charges and cost of tuition as set by the governing body of a state university, state college, or community college.

Sec. 25. Section 86-802, Reissue Revised Statutes of Nebraska, is amended to read:

86-802 For purposes of the Kelsey Smith Act:

(1) Call location information means the best available location information, including, but not limited to, information obtained using historical cellular site information or a mobile locator tool;

(2) Law enforcement agency means a police department, a town marshal, the office of sheriff, a University of Nebraska police department, and the Nebraska State Patrol;

(3) Wireless carrier has the same meaning as in section 86-456; and

(4) Wireless communication device means any wireless electronic communication device that provides for voice or data communication between two or more parties, including a mobile or cellular telephone.