

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 601

Introduced by McKinney, 11.

Read first time January 20, 2021

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to law enforcement; to amend section 81-1456,
- 2 Revised Statutes Cumulative Supplement, 2020; to require law
- 3 enforcement agencies to maintain records regarding officer
- 4 discipline; to make certain records relating to law enforcement
- 5 officers public; to create a public data base; to provide a duty for
- 6 the Nebraska Commission on Law Enforcement and Criminal Justice; to
- 7 harmonize provisions; and to repeal the original section.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-1456, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 81-1456 (1) The chief of police, sheriff, Superintendent of Law
4 Enforcement and Public Safety, or the head administrator of a law
5 enforcement agency or an agency employing a law enforcement officer shall
6 submit a personnel change in status form as approved by the Nebraska
7 Police Standards Advisory Council to the director of the Nebraska Law
8 Enforcement Training Center within seven calendar days after the date a
9 law enforcement officer is hired by the agency or leaves employment with
10 the agency.

11 (2)(a) ~~(2)~~ Each law enforcement agency or agency employing a law
12 enforcement officer shall maintain a record regarding the reason or
13 reasons for, and circumstances surrounding, a separation of service for
14 each law enforcement officer employed by that agency.

15 (b) Such record shall be retained for five years following a law
16 enforcement officer's separation from the agency.

17 (c) Each law enforcement agency or agency employing a law
18 enforcement officer shall, on a quarterly basis, transmit to the
19 commission any records generated under subdivision (2)(a) of this section
20 in a form and manner prescribed by the commission.

21 (3)(a) ~~(3)~~ Each law enforcement agency or agency employing a law
22 enforcement officer shall maintain any and all records of officer conduct
23 which could constitute grounds for revocation or suspension of a law
24 enforcement certification by the commission ~~Nebraska Commission on Law~~
25 ~~Enforcement and Criminal Justice~~. Such record shall include any and all
26 records of conduct which could constitute:

27 (i) ~~(a)~~ Incompetence;

28 (ii) ~~(b)~~ Neglect ~~(b)~~ neglect of duty;

29 (iii) ~~(c)~~ Incapacity ~~(c)~~ incapacity;

30 (iv) ~~(d)~~ Dishonesty ~~(d)~~ dishonesty;

31 (v) ~~(e)~~ A ~~(e)~~ a felony violation of state or federal law;

1 (vi) A ~~(f)~~ a misdemeanor violation of state or federal law, if the
2 violation has a rational connection with the officer's fitness or
3 capacity to serve as a law enforcement officer; or

4 (vii) A ~~(g)~~ a violation of the officer's oath of office, code of
5 ethics, or statutory duties.

6 (b) Such record shall be retained for the duration of the law
7 enforcement officer's employment with the agency and for ten years
8 following his or her separation from the agency.

9 (c) Each law enforcement agency or agency employing a law
10 enforcement officer shall, on a quarterly basis, transmit to the
11 commission any records generated under subdivision (3)(a) of this section
12 in a form and manner prescribed by the commission.

13 (4)(a) Each law enforcement agency or agency employing a law
14 enforcement officer shall maintain a record regarding any officer
15 discipline, including:

16 (i) The name of the officer;

17 (ii) Disciplinary findings;

18 (iii) Discipline imposed;

19 (iv) Whether there was an appeal or grievance, and if so, the
20 outcome of the appeal or grievance; and

21 (v) Any other information required by the commission.

22 (b) Such record shall be maintained for a period of ten years
23 following the date of any disciplinary findings.

24 (c) Each law enforcement agency or agency employing a law
25 enforcement officer shall, on a quarterly basis, transmit to the
26 commission any records generated under subdivision (4)(a) of this section
27 in a form and manner prescribed by the commission.

28 (5) ~~(4)~~ The chief of police, sheriff, Superintendent of Law
29 Enforcement and Public Safety, or the head administrator of a law
30 enforcement agency or an agency employing a law enforcement officer shall
31 make a report to the Nebraska Commission on Law Enforcement and Criminal

1 Justice of any law enforcement officer who is terminated from employment
2 or allowed to resign in lieu of termination for conduct described in
3 subdivision (3)(a) of this section that ~~could constitute: (a)~~
4 ~~Incompetence; (b) neglect of duty; (c) incapacity; (d) dishonesty; (e) a~~
5 ~~felony violation of state or federal law; (f) a misdemeanor violation of~~
6 ~~state or federal law, if the violation has a rational connection with the~~
7 ~~officer's fitness or capacity to serve as a law enforcement officer; or~~
8 ~~(g) a violation of the officer's oath of office, code of ethics, or~~
9 ~~statutory duties.~~ The report shall include, but not be limited to, a
10 summary of the allegations pertaining to the officer and identification
11 of any witnesses relevant to the allegations, and shall be filed with the
12 commission within thirty calendar days of the termination or resignation
13 in lieu of termination.

14 (6)(a) The commission shall maintain a public data base of records
15 transmitted to the commission under subsections (2), (3), (4), and (5) of
16 this section. The data base shall be posted on the commission's web site
17 in a modern, open, electronic format that is machine-readable, machine-
18 searchable, and readily accessible to the public. The commission shall
19 maintain the records for the same periods as stated in such subsections.

20 (b) All records created under this subsection and sections (2), (3),
21 (4), and (5) of this section shall be considered public records for
22 purposes of sections 84-712 to 84-712.09.

23 ~~(7) (5)~~ Failure to comply with this section shall constitute neglect
24 of duty.

25 ~~(8) (6)~~ For purposes of this section:

26 (a) Commission means the Nebraska Commission on Law Enforcement and
27 Criminal Justice;

28 ~~(b) (a)~~ Felony has the same meaning as in section 81-1401;

29 ~~(c) (b)~~ Incapacity has the same meaning as in section 81-1401;

30 ~~(d) (c)~~ Law enforcement agency has the same meaning as in section
31 81-1401; and

1 (e) ~~(d)~~ Law enforcement officer has the same meaning as in section
2 81-1401.

3 Sec. 2. Original section 81-1456, Revised Statutes Cumulative
4 Supplement, 2020, is repealed.