Introduced by McKinney, 11.
Read first time January 06, 2022
Committee: Executive Board

1 A BILL FOR AN ACT relating to the Legislature; to state findings; to
2 provide for racial impact statements for legislation; to provide
3 powers and duties for the office of Legislative Research.
4 Be it enacted by the people of the State of Nebraska,
Section 1. The Legislature finds and declares that:

(1) Racial disparities exist for people of color and racial minorities in this state in all parts of the criminal justice system and juvenile justice system. Racial disparities in the adult and youth criminal justice systems exist when the proportion of a racial or ethnic group within the control of those systems is greater than the proportion of such groups in the general population. People of color are overrepresented in all components of the adult and juvenile criminal justice system, from contact with police to length of imprisonment;

(2) The source or cause of such disparities are systemic, rooted in our nation's history, and deeper than explicit acts of racial discrimination. The causes of such disparities are varied and include matters such as socioeconomic factors, differing levels of criminal activity, law enforcement emphasis on particular communities, and decisions by criminal justice practitioners who exercise broad discretion in the justice process at one or more stages in the system. One of the principal causes of such disparities is the legislative policies underlying the creation and modification of statutes relating to criminal law and the justice system;

(3) The Legislature has an obligation to reduce the racial disparities of our criminal justice system and to identify legislative bills that are likely to exacerbate or ameliorate these disparities. The preparation of racial impact statements for certain legislative bills will help the Legislature meet this responsibility; and

(4) A racial impact statement is an explanatory statement summarizing the expected impact a legislative bill may have on identifiable racial groups. Racial impact statements can assist legislators by identifying and evaluating the anticipated potential disparities of proposed legislation prior to its adoption and implementation and can assist legislators in detecting otherwise unforeseen policy ramifications.
Sec. 2. (1) Beginning in the first session of the One Hundred Eighth Legislature, the office of Legislative Research shall prepare and provide racial impact statements for legislative bills as designated by the Executive Board of the Legislative Council. The primary focus for preparation of racial impact statements shall be legislative bills that relate to the criminal justice system, the juvenile justice system, prisons, jails, probation, or parole and that, if passed, may have a disparate impact on racial minority populations.

(2) A racial impact statement shall clearly summarize the estimated impact of a legislative bill on racial minority populations in the state and the estimated impact of the legislative bill on racial disparities in the state. A racial impact statement may include any relevant research on the historical racial impact of similar legislative bills enacted previously. A racial impact statement shall reflect any data or methods used to measure such racial impact.

(3) The office of Legislative Research may request the cooperation of any state agency, political subdivision, accredited academic institution, or subject matter expert in preparation of a racial impact statement or the collection of any data or information necessary to prepare a racial impact statement.