

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 882

Introduced by McKinney, 11; Cavanaugh, J., 9.

Read first time January 07, 2022

Committee: Judiciary

1 A BILL FOR AN ACT relating to criminal justice; to amend section
2 81-1414.15, Revised Statutes Supplement, 2021; to change a records
3 retention requirement; to require city and county attorneys and the
4 Attorney General to maintain public Brady and Giglio lists; to
5 provide a duty for the Nebraska Commission on Law Enforcement and
6 Criminal Justice; and to repeal the original section.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-1414.15, Revised Statutes Supplement, 2021, is
2 amended to read:

3 81-1414.15 (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 council to
7 the director of the training center within seven calendar days after the
8 date a law enforcement officer is hired by the agency or leaves
9 employment with the agency.

10 (2) Each law enforcement agency or agency employing a law
11 enforcement officer shall maintain a record regarding the reason or
12 reasons for, and circumstances surrounding, a separation of service for
13 each law enforcement officer employed by that agency. Such record shall
14 be retained for five years following a law enforcement officer's
15 separation from the agency.

16 (3) Each law enforcement agency or agency employing a law
17 enforcement officer shall maintain any and all records of officer conduct
18 which could constitute grounds for revocation or suspension of a law
19 enforcement certification by the commission. Such record shall include
20 any and all records of conduct which could constitute grounds for
21 revocation or suspension under subdivision (6) of section 81-1403. Such
22 record, which shall include the name of the law enforcement officer,
23 shall be permanently retained and shall not be destroyed ~~retained for the~~
24 ~~duration of the law enforcement officer's employment with the agency and~~
25 ~~for ten years following his or her separation from the agency.~~

26 (4) The chief of police, sheriff, Superintendent of Law Enforcement
27 and Public Safety, or the head administrator of a law enforcement agency
28 or an agency employing a law enforcement officer shall make a report to
29 the commission of any law enforcement officer who is terminated from
30 employment or allowed to resign in lieu of termination for conduct
31 described in subdivision (6) of section 81-1403. The report shall

1 include, but not be limited to, a summary of the allegations pertaining
2 to the officer and identification of any witnesses relevant to the
3 allegations, and shall be filed with the commission within thirty
4 calendar days of the termination or resignation in lieu of termination.

5 (5) Failure to comply with this section shall constitute neglect of
6 duty.

7 Sec. 2. (1) Beginning June 1, 2023, each city and county attorney
8 and the Attorney General shall maintain a Brady and Giglio list in
9 accordance with this section. The list shall identify law enforcement
10 officers who, due to misconduct or otherwise, have impaired their own
11 credibility such that disclosure to the defendant is required under Brady
12 v. Maryland, 373 U.S. 83 (1963), and Giglio v. United States, 405 U.S.
13 150 (1972), and subsequent cases of the Supreme Court of the United
14 States and the Supreme Court of Nebraska. The list shall contain a
15 description of the reason disclosure is required.

16 (2) The list required by this section is a public document and shall
17 be posted on the city, county, and state website. The list shall be
18 updated at least monthly.

19 (3) On or before January 1, 2023, the Nebraska Commission on Law
20 Enforcement and Criminal Justice shall adopt and promulgate rules and
21 regulations to carry out this section, including, but not limited to,
22 criteria and processes for determining when disclosure is required and
23 what is required to be disclosed.

24 Sec. 3. Original section 81-1414.15, Revised Statutes Supplement,
25 2021, is repealed.