

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 942

Introduced by Slama, 1.

Read first time January 10, 2022

Committee: Judiciary

1 A BILL FOR AN ACT relating to law enforcement; to amend sections 29-2264,
2 81-1401, 81-1403, 81-1414, 81-1414.13, 81-1438, 81-1439, 81-1440,
3 and 81-1443, Revised Statutes Supplement, 2021, and section 81-1412,
4 Reissue Revised Statutes of Nebraska; to define terms; to provide
5 for notice of expiration of certification as a qualified firearm
6 instructor; to change powers, duties, and training requirements of
7 noncertified conditional officers and reserve officers; to eliminate
8 provisions relating to a reciprocity program; to harmonize
9 provisions; and to repeal the original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-2264, Revised Statutes Supplement, 2021, is
2 amended to read:

3 29-2264 (1) Whenever any person is placed on probation by a court
4 and satisfactorily completes the conditions of his or her probation for
5 the entire period or is discharged from probation prior to the
6 termination of the period of probation, the sentencing court shall issue
7 an order releasing the offender from probation. Such order in all felony
8 cases shall provide notice that the person's voting rights are restored
9 two years after completion of probation. The order shall include
10 information on restoring other civil rights through the pardon process,
11 including application to and hearing by the Board of Pardons.

12 (2) Whenever any person is convicted of an offense and is placed on
13 probation by the court, is sentenced to a fine only, or is sentenced to
14 community service, he or she may, after satisfactory fulfillment of the
15 conditions of probation for the entire period or after discharge from
16 probation prior to the termination of the period of probation and after
17 payment of any fine and completion of any community service, petition the
18 sentencing court to set aside the conviction.

19 (3)(a) Except as provided in subdivision (3)(b) of this section,
20 whenever any person is convicted of an offense and is sentenced other
21 than as provided in subsection (2) of this section, but is not sentenced
22 to a term of imprisonment of more than one year, such person may, after
23 completion of his or her sentence, petition the sentencing court to set
24 aside the conviction.

25 (b) A petition under subdivision (3)(a) of this section shall be
26 denied if filed:

27 (i) By any person with a criminal charge pending in any court in the
28 United States or in any other country;

29 (ii) During any period in which the person is required to register
30 under the Sex Offender Registration Act;

31 (iii) For any misdemeanor or felony motor vehicle offense under

1 section 28-306 or the Nebraska Rules of the Road; or

2 (iv) Within two years after a denial of a petition to set aside a
3 conviction under this subsection.

4 (4) In determining whether to set aside the conviction, the court
5 shall consider:

6 (a) The behavior of the offender after sentencing;

7 (b) The likelihood that the offender will not engage in further
8 criminal activity; and

9 (c) Any other information the court considers relevant.

10 (5) The court may grant the offender's petition and issue an order
11 setting aside the conviction when in the opinion of the court the order
12 will be in the best interest of the offender and consistent with the
13 public welfare. The order shall:

14 (a) Nullify the conviction;

15 (b) Remove all civil disabilities and disqualifications imposed as a
16 result of the conviction; and

17 (c) Notify the offender that he or she should consult with an
18 attorney regarding the effect of the order, if any, on the offender's
19 ability to possess a firearm under state or federal law.

20 (6) The setting aside of a conviction in accordance with the
21 Nebraska Probation Administration Act shall not:

22 (a) Require the reinstatement of any office, employment, or position
23 which was previously held and lost or forfeited as a result of the
24 conviction;

25 (b) Preclude proof of a plea of guilty whenever such plea is
26 relevant to the determination of an issue involving the rights or
27 liabilities of someone other than the offender;

28 (c) Preclude proof of the conviction as evidence of the commission
29 of the offense whenever the fact of its commission is relevant for the
30 purpose of impeaching the offender as a witness, except that the order
31 setting aside the conviction may be introduced in evidence;

1 (d) Preclude use of the conviction for the purpose of determining
2 sentence on any subsequent conviction of a criminal offense;

3 (e) Preclude the proof of the conviction as evidence of the
4 commission of the offense in the event an offender is charged with a
5 subsequent offense and the penalty provided by law is increased if the
6 prior conviction is proved;

7 (f) Preclude the proof of the conviction to determine whether an
8 offender is eligible to have a subsequent conviction set aside in
9 accordance with the Nebraska Probation Administration Act;

10 (g) Preclude use of the conviction as evidence of commission of the
11 offense for purposes of determining whether an application filed or a
12 license issued under sections 71-1901 to 71-1906.01, the Child Care
13 Licensing Act, or the Children's Residential Facilities and Placing
14 Licensure Act or a certificate issued under sections 79-806 to 79-815
15 should be denied, suspended, or revoked;

16 (h) Preclude use of the conviction as evidence of serious misconduct
17 or final conviction of or pleading guilty or nolo contendere to a felony
18 or misdemeanor for purposes of determining whether an application filed
19 or a certificate issued under sections 81-1401 to 81-1414.19 and section
20 6 of this act should be denied, suspended, or revoked;

21 (i) Preclude proof of the conviction as evidence whenever the fact
22 of the conviction is relevant to a determination of the registration
23 period under section 29-4005;

24 (j) Relieve a person who is convicted of an offense for which
25 registration is required under the Sex Offender Registration Act of the
26 duty to register and to comply with the terms of the act;

27 (k) Preclude use of the conviction for purposes of section 28-1206;

28 (l) Affect the right of a victim of a crime to prosecute or defend a
29 civil action;

30 (m) Affect the assessment or accumulation of points under section
31 60-4,182; or

1 (n) Affect eligibility for, or obligations relating to, a commercial
2 driver's license.

3 (7) For purposes of this section, offense means any violation of the
4 criminal laws of this state or any political subdivision of this state
5 including, but not limited to, any felony, misdemeanor, infraction,
6 traffic infraction, violation of a city or village ordinance, or
7 violation of a county resolution.

8 (8) Except as otherwise provided for the notice in subsection (1) of
9 this section, changes made to this section by Laws 2005, LB 713, shall be
10 retroactive in application and shall apply to all persons, otherwise
11 eligible in accordance with the provisions of this section, whether
12 convicted prior to, on, or subsequent to September 4, 2005.

13 (9) The changes made to this section by Laws 2018, LB146, and Laws
14 2020, LB881, shall apply to all persons otherwise eligible under this
15 section, without regard to the date of the conviction sought to be set
16 aside.

17 Sec. 2. Section 81-1401, Revised Statutes Supplement, 2021, is
18 amended to read:

19 81-1401 For purposes of sections 81-1401 to 81-1414.19 and section 6
20 of this act, unless the context otherwise requires:

21 (1) Class I railroad means a rail carrier classified as Class I
22 pursuant to 49 C.F.R. part 1201 1-1;

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

25 (3) Council means the Nebraska Police Standards Advisory Council;

26 (4) Director means the director of the Nebraska Law Enforcement
27 Training Center;

28 (5) Felony means a crime punishable by imprisonment for a term of
29 more than one year or a crime committed outside of Nebraska which would
30 be punishable by imprisonment for a term of more than one year if
31 committed in Nebraska;

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

4 (7) High-population county means a county with more than fifteen
5 thousand inhabitants as determined by the most recent federal decennial
6 census or the most recent revised certified count by the United States
7 Bureau of the Census;

8 (8) (7) Law enforcement agency means the police department or the
9 town marshal in incorporated municipalities, the office of sheriff in
10 unincorporated areas, the Nebraska State Patrol, and Class I railroad
11 police departments;

12 (9)(a) (8)(a) Law enforcement officer means any person who has
13 successfully completed an entry-level law enforcement certification from
14 a training academy and who is responsible for the prevention or detection
15 of crime or the enforcement of the penal, traffic, or highway laws of the
16 state or any political subdivision of the state for more than one hundred
17 hours per year and is authorized by law to make arrests and includes, but
18 is not limited to:

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

20 (ii) A county sheriff;

21 (iii) A full-time or part-time employee of a county sheriff's
22 office;

23 (iv) A full-time or part-time employee of a municipal or village
24 police agency;

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

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

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

1 an investigation;

2 (viii) A member of a law enforcement reserve force appointed in
3 accordance with section 81-1438; or

4 (ix) A full-time Class I railroad police officer;

5 (b) Law enforcement officer includes a noncertified conditional
6 officer;

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

12 (d) Except for a noncertified conditional officer, a law enforcement
13 officer shall possess a valid law enforcement officer certificate or
14 diploma, as established by the council, in order to be vested with the
15 authority of this section;

16 (10) Low-population county means a county with fifteen thousand or
17 fewer inhabitants as determined by the most recent federal decennial
18 census or the most recent revised certified count by the United States
19 Bureau of the Census;

20 (11) (9) Misdemeanor crime of domestic violence has the same meaning
21 as in section 28-1206;

22 (12) (10) Noncertified conditional officer means a person appointed
23 pursuant to section 6 of this act subsection (6) of section 81-1414;

24 (13) (11) Serious misconduct means improper or illegal actions taken
25 by a law enforcement officer that have a rational connection with the
26 person's fitness or capacity to serve as a law enforcement officer and
27 includes, but is not limited to:

28 (a) Conviction of a felony or misdemeanor crime of domestic
29 violence;

30 (b) Fabrication of evidence;

31 (c) Repeated substantiated allegations of the use of excessive

1 force;

2 (d) Acceptance of a bribe;

3 (e) Commission of fraud or perjury; or

4 (f) Sexual assault;

5 ~~(14)~~ ~~(12)~~ Training academy means the training center or such other
6 council-approved law enforcement training facility operated and
7 maintained by a law enforcement agency which offers certification
8 training that meets or exceeds the certification training curriculum of
9 the training center;

10 ~~(15)~~ ~~(13)~~ Training center means the Nebraska Law Enforcement
11 Training Center; and

12 ~~(16)~~ ~~(14)~~ Training school means a public or private institution of
13 higher education, including the University of Nebraska, the Nebraska
14 state colleges, and the community colleges of this state, that offers
15 training in a council-approved pre-certification course.

16 Sec. 3. Section 81-1403, Revised Statutes Supplement, 2021, is
17 amended to read:

18 81-1403 Subject to review and approval by the commission, the
19 council shall:

20 (1) Adopt and promulgate rules and regulations for law enforcement
21 pre-certification, certification, continuing education, and training
22 requirements. Such rules and regulations may include the authority to
23 impose a fine on any individual, political subdivision, or agency who or
24 which violates sections 81-1401 to 81-1414.19 and section 6 of this act
25 or any rules and regulations adopted and promulgated thereunder. The fine
26 for each separate violation of such sections or of any such rule or
27 regulation shall not exceed either (a) a one-time maximum fine of five
28 hundred dollars or (b) a maximum fine of one hundred dollars per day
29 until the individual, political subdivision, or agency complies with such
30 rules or regulations;

31 (2) Adopt and promulgate rules and regulations for the operation of

1 the training center;

2 (3) Recommend to the executive director of the commission the names
3 of persons to be appointed to the position of director of the training
4 center;

5 (4) Establish requirements for satisfactory completion of pre-
6 certification programs, certification programs, and advanced training
7 programs;

8 (5) Issue certificates or diplomas attesting satisfactory completion
9 of pre-certification programs, certification programs, and advanced
10 training programs;

11 (6) Revoke or suspend such certificates or diplomas according to
12 rules and regulations adopted and promulgated by the council pursuant to
13 sections 81-1401 to 81-1414.19 and section 6 of this act for reasons
14 which shall include, but not be limited to:

15 (a) Final conviction of or pleading guilty or nolo contendere to a:

16 (i) Felony violation of state or federal law;

17 (ii) Misdemeanor crime of domestic violence; or

18 (iii) Misdemeanor violation of state or federal law, if the
19 violation has a rational connection with the officer's fitness or
20 capacity to serve as a law enforcement officer;

21 (b) Serious misconduct; or

22 (c) A violation of the officer's oath of office, code of ethics, or
23 statutory duties;

24 (7) The council shall adopt and promulgate rules and regulations
25 that:

26 (a) Provide for the revocation of a certificate or diploma without a
27 hearing upon the certificate or diploma holder's final conviction of or
28 pleading guilty or nolo contendere to a felony or misdemeanor described
29 in subdivision (6) of this section; and

30 (b) Include a procedure for hearing appeals of any person who feels
31 that the revocation or suspension of his or her certificate or diploma

1 was in error;

2 (8) Set the tuition and fees for the training center and all
3 officers of other training academies not employed by that training
4 academy's agency. The tuition and fees set for the training center
5 pursuant to this subdivision shall be adjusted annually pursuant to the
6 training center budget approved by the Legislature. All other tuition and
7 fees shall be set in order to cover the costs of administering sections
8 81-1401 to 81-1414.19 and section 6 of this act. All tuition and fees
9 shall be remitted to the State Treasurer for credit to the Nebraska Law
10 Enforcement Training Center Cash Fund;

11 (9) Annually certify any training academies providing a basic course
12 of law enforcement training which complies with the qualifications and
13 standards promulgated by the council and offering training that meets or
14 exceeds training that is offered by the training center. The council
15 shall set the maximum and minimum applicant enrollment figures for
16 training academies training non-agency officers;

17 (10) Extend the programs of the training center throughout the state
18 on a regional basis;

19 (11) Establish the qualifications, standards, and continuing
20 education requirements and provide the training required by section
21 81-1439; and

22 (12) Do all things necessary to carry out the purpose of the
23 training center, except that functional authority for budget and
24 personnel matters shall remain with the commission.

25 Any administrative fine imposed under this section shall constitute
26 a debt to the State of Nebraska which may be collected by lien
27 foreclosure or sued for and recovered in any proper form of action by the
28 office of the Attorney General in the name of the State of Nebraska in
29 the district court of the county where the final agency action was taken.
30 All fines imposed by the council shall be remitted to the State Treasurer
31 for distribution in accordance with Article VII, section 5, of the

1 Constitution of Nebraska.

2 Sec. 4. Section 81-1412, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 81-1412 (1) In order to maintain proficiency in handgun operation, a
5 law enforcement officer shall qualify at least once every calendar year
6 with a handgun of the same make and model as the handgun which is the
7 primary handgun to be carried by the law enforcement officer while on
8 duty. Such qualification shall take place on a handgun shooting course
9 submitted by the director and approved by the council.

10 (2)(a) ~~(2)~~ Qualification on a handgun shooting course shall be
11 conducted by a person certified as a qualified firearm instructor
12 pursuant to rules and regulations adopted and promulgated by the council.
13 The council shall provide by rule and regulation for the duration of such
14 certification. No later than ninety days before a person's certification
15 as a qualified firearm instructor is set to expire, the council shall
16 notify such person of the pending expiration.

17 (b) Law enforcement agencies that do not have a qualified firearm
18 instructor may share qualification with other law enforcement agencies
19 that have a qualified firearm instructor or may utilize the Nebraska
20 Association of Law Enforcement Firearm Instructors which may, at no cost,
21 assist such law enforcement agencies by supplying a qualified firearm
22 instructor for a handgun shooting course.

23 (3) The council shall adopt and promulgate rules and regulations;

24 (a) For ~~for~~ requalification for the case in which a law enforcement
25 officer fails to qualify;

26 (b) That ~~. The council shall adopt and promulgate rules and~~
27 regulations that address the status of a law enforcement officer and his
28 or her limitations, if any, if the law enforcement officer fails the
29 handgun qualification; and

30 (c) Whereby ~~. The council shall adopt and promulgate rules and~~
31 regulations whereby the council may grant a waiver of the handgun

1 qualification and determine the status and, ~~if any,~~ limitations of, a law
2 enforcement officer in cases in which the law enforcement officer
3 demonstrates an extreme hardship.

4 (4) ~~(3)~~ Each law enforcement agency shall maintain its own records
5 as to the handgun qualifications of its law enforcement officers.

6 Sec. 5. Section 81-1414, Revised Statutes Supplement, 2021, is
7 amended to read:

8 81-1414 (1) On and after January 1, 1972, law enforcement officers
9 already serving under permanent appointment shall not be required to meet
10 any requirement of subsection (2) of this section as a condition of
11 tenure or continued employment.

12 (2) Except as provided in section 6 of this act ~~subsection (6) of~~
13 ~~this section~~, on and after January 1, 1972, no person shall receive
14 appointment as a law enforcement officer unless such person:

15 (a) Has been awarded a certificate or diploma by the commission
16 attesting to satisfactory completion of the minimum curriculum of the
17 training center as established by the council;

18 (b) Has been awarded a certificate or diploma attesting to
19 satisfactory completion of a training program approved by the council as
20 equivalent to the curriculum in subdivision (2)(a) of this section; or

21 (c) Is certified as a law enforcement officer in another state and
22 has applied, ~~completed a reciprocity program,~~ and been approved as
23 provided in section 81-1414.13.

24 (3) The council shall deem the successful completion of the federal
25 Bureau of Indian Affairs basic police training program as administered by
26 the Federal Law Enforcement Training Center to constitute equivalent
27 training under subdivision (2)(b) of this section, and officers certified
28 by virtue of such equivalent training may exercise full law enforcement
29 authority exclusively on tribal lands.

30 (4) Law enforcement officers who are promoted in rank shall
31 satisfactorily complete such council-approved training within one year of

1 such promotion.

2 (5) At the direction of the council, the director shall issue a
3 certificate or diploma attesting to a compliance with the requirements of
4 subsection (2), (3), or (4) of this section to any applicant who presents
5 evidence of satisfactory completion of a council-approved training
6 program.

7 ~~(6)(a) A person who has not been awarded such a certificate or~~
8 ~~diploma may receive an appointment as a noncertified conditional officer~~
9 ~~subject to the provisions and requirements of this subsection.~~

10 ~~(b) A noncertified conditional officer shall meet all requirements~~
11 ~~for admission to the training center and shall immediately apply for~~
12 ~~admission to the training center and enroll in the next available basic~~
13 ~~training class.~~

14 ~~(c) A noncertified conditional officer may interact with the public~~
15 ~~and carry a firearm only after completion of the following training:~~

16 ~~(i) Twenty-four hours of use of force training, including defensive~~
17 ~~tactics, arrest control, handcuffing, pat down, and complete searches;~~

18 ~~(ii) Sixteen hours of firearms training and passing the minimum~~
19 ~~requirements for the handgun qualification course as provided in section~~
20 ~~81-1412.01;~~

21 ~~(iii) Twelve hours of arrest and search and seizure training with~~
22 ~~Fourth Amendment and Fifth Amendment training;~~

23 ~~(iv) Eight hours of de-escalation training;~~

24 ~~(v) Eight hours of mental health crisis training;~~

25 ~~(vi) Eight hours of anti-bias and implicit bias training; and~~

26 ~~(vii) Four hours of substance abuse training.~~

27 ~~(d) The head of the law enforcement agency employing a noncertified~~
28 ~~conditional officer shall validate the completion of the training~~
29 ~~required under subdivision (6)(c) of this section to the council and the~~
30 ~~director of the training center.~~

31 ~~(e) A noncertified conditional officer shall not interact with the~~

1 ~~public unless such officer is under the direct supervision of a field~~
2 ~~training officer approved by the law enforcement agency employing such~~
3 ~~noncertified conditional officer.~~

4 ~~(f) A noncertified conditional officer shall not, without direct~~
5 ~~guidance and authorization from an approved field training officer:~~

6 ~~(i) Ride in a marked police cruiser;~~

7 ~~(ii) Make arrests;~~

8 ~~(iii) Interview suspects, victims, or witnesses; or~~

9 ~~(iv) Carry out any other law enforcement function.~~

10 ~~(g) A noncertified conditional officer may be employed for a period~~
11 ~~not to exceed sixteen consecutive weeks. The council may extend such~~
12 ~~period as follows:~~

13 ~~(i) Upon application by a noncertified conditional officer, the~~
14 ~~council may grant an extension not to exceed two consecutive weeks for~~
15 ~~good cause shown; and~~

16 ~~(ii) The council shall grant an extension not to exceed sixteen~~
17 ~~consecutive weeks upon finding:~~

18 ~~(A) That the noncertified conditional officer immediately applied~~
19 ~~for admission to the training center upon appointment under this~~
20 ~~subsection;~~

21 ~~(B) That the training center denied the officer's enrollment in the~~
22 ~~next basic training class due to class size limitations or another reason~~
23 ~~that was not the fault of the officer;~~

24 ~~(C) That the officer is enrolled in the next available basic~~
25 ~~training class; and~~

26 ~~(D) That such extension would not be contrary to the requirements,~~
27 ~~limitations, or intent of this subsection.~~

28 ~~(h) Failure to follow the requirements and restrictions of this~~
29 ~~subsection shall be considered a violation of the law and neglect of~~
30 ~~duty.~~

31 ~~(i) The council may adopt and promulgate rules and regulations as~~

~~1 necessary to carry out this subsection, including, but not limited to,
2 rules and regulations permitting the virtual or online completion of
3 required training and minimum standards and qualifications for field
4 training officers. Prior to the expiration of ninety days after any such
5 rules and regulations adopted become effective, any certified law
6 enforcement officer with not less than three years of experience may
7 serve as a field training officer.~~

8 Sec. 6. (1) A person who has not been awarded a certificate or
9 diploma attesting to compliance with the requirements of subdivision (2)
10 (a) or (b) of section 81-1414 may receive an appointment as a
11 noncertified conditional officer subject to the provisions and
12 requirements of this section.

13 (2) A noncertified conditional officer shall meet all requirements
14 for admission to the training center and shall immediately apply for
15 admission to the training center and enroll in the next available basic
16 training class.

17 (3) A noncertified conditional officer may be employed as a law
18 enforcement officer for a period not to exceed:

19 (a) In a low-population county, one year; and

20 (b) In a high-population county, sixteen consecutive weeks.

21 (4) The council may extend the period of employment under subsection
22 (3) of this section as follows:

23 (a) Upon application by a noncertified conditional officer, the
24 council may grant an extension not to exceed two consecutive weeks for
25 good cause shown; and

26 (b) The council shall grant an extension not to exceed sixteen
27 consecutive weeks upon finding:

28 (i) That the noncertified conditional officer immediately applied
29 for admission to the training center upon appointment under this section;

30 (ii) That the training center denied the officer's enrollment in the
31 next basic training class due to class-size limitations or another reason

1 that was not the fault of the officer;

2 (iii) That the officer is enrolled in the next available basic
3 training class; and

4 (iv) That such extension would not be contrary to the requirements,
5 limitations, or intent of this section.

6 (5) In a high-population county, a noncertified conditional officer:

7 (a) May interact with the public and carry a firearm only after
8 completion of the following training:

9 (i) Twenty-four hours of use of force training, including defensive
10 tactics, arrest control, handcuffing, pat down, and complete searches;

11 (ii) Sixteen hours of firearms training and passing the minimum
12 requirements for the handgun qualification course as provided in section
13 81-1412.01;

14 (iii) Twelve hours of arrest and search and seizure training with
15 Fourth Amendment and Fifth Amendment training;

16 (iv) Eight hours of de-escalation training;

17 (v) Eight hours of mental health crisis training;

18 (vi) Eight hours of anti-bias and implicit bias training; and

19 (vii) Four hours of substance abuse training;

20 (b) Shall not interact with the public unless such officer is under
21 the direct supervision of a field training officer approved by the law
22 enforcement agency employing such noncertified conditional officer; and

23 (c) Shall not, without direct guidance and authorization from an
24 approved field training officer:

25 (i) Ride in a marked police cruiser;

26 (ii) Make arrests;

27 (iii) Interview suspects, victims, or witnesses; or

28 (iv) Carry out any other law enforcement function.

29 (6) The head of the law enforcement agency employing a noncertified
30 conditional officer shall validate the completion of the training
31 required under subdivision (5)(a) of this section to the council and the

1 director of the training center.

2 (7) Failure to follow the requirements and restrictions of this
3 section shall be considered a violation of the law and neglect of duty.

4 (8) The council may adopt and promulgate rules and regulations as
5 necessary to carry out this section, including, but not limited to, rules
6 and regulations permitting the virtual or online completion of required
7 training and minimum standards and qualifications for field training
8 officers. Prior to the expiration of ninety days after any such rules and
9 regulations become effective, any certified law enforcement officer with
10 not less than three years of experience may serve as a field training
11 officer.

12 Sec. 7. Section 81-1414.13, Revised Statutes Supplement, 2021, is
13 amended to read:

14 81-1414.13 (1) A person seeking certification under subdivision (2)
15 (c) of section 81-1414 shall, in addition to any other applicable
16 requirements of the commission or of sections 81-1401 to 81-1414.19 and
17 section 6 of this act, submit an application to the council ~~and complete~~
18 ~~a reciprocity program~~ as provided in this section. The application shall
19 be made under oath and made on a form provided by the council.

20 (2) The applicant shall attest to the following:

21 (a) That the applicant's certification as a law enforcement officer
22 has not been revoked or suspended in another jurisdiction;

23 (b) That the applicant has not been convicted of or pleaded guilty
24 or nolo contendere to a:

25 (i) Felony violation of state or federal law;

26 (ii) Misdemeanor crime of domestic violence; or

27 (iii) Misdemeanor violation of state or federal law, if the
28 violation has a rational connection with the officer's fitness or
29 capacity to serve as a law enforcement officer;

30 (c) That the applicant has not been separated from employment or
31 disciplined for serious misconduct or a violation of the officer's oath

1 of office, code of ethics, or statutory duties; and

2 (d) Any other information deemed necessary by the council.

3 ~~(3) The council shall develop or approve a reciprocity program that~~
4 ~~an applicant shall complete prior to receiving certification under this~~
5 ~~section.~~

6 (3) ~~(4)~~ The council shall deny certification to an applicant under
7 this section if the council finds that the applicant does not meet the
8 requirements of subsection (2) of this section, has omitted information
9 required by such subsection, or has provided false or misleading
10 information in the application, ~~or has not completed the reciprocity~~
11 ~~program.~~

12 (4) ~~(5)~~ No law enforcement agency or other state or local agency
13 shall hire as a law enforcement officer a person whose certification is
14 denied under this section.

15 (5) ~~(6)~~ The council may adopt and promulgate rules and regulations
16 as necessary to carry out this section.

17 Sec. 8. Section 81-1438, Revised Statutes Supplement, 2021, is
18 amended to read:

19 81-1438 (1) The governing body of any county or city of this state,
20 other than (a) a county containing a city of the metropolitan or primary
21 class or (b) a city of the metropolitan or primary class, may establish a
22 law enforcement reserve force. Members of such force shall be appointed
23 at the discretion of the governing body. The governing body may limit the
24 size of such reserve force.

25 ~~(2)(a) A member of a law enforcement reserve force appointed under~~
26 ~~this section cannot make arrests, issue citations, detain members of the~~
27 ~~public, or seize evidence without being under the direct supervision of a~~
28 ~~physically present certified law enforcement officer.~~

29 (2) ~~(b)~~ A reserve officer may perform functions at the direction of
30 the county sheriff or chief of police ~~when under the direct supervision~~
31 ~~of the county sheriff or chief of police. Such functions shall not~~

1 ~~include making arrests, issuing citations, detaining members of the~~
2 ~~public, or seizing evidence.~~

3 ~~(c) A reserve officer is not limited with respect to the amount of~~
4 ~~hours worked annually.~~

5 Sec. 9. Section 81-1439, Revised Statutes Supplement, 2021, is
6 amended to read:

7 81-1439 (1) The Nebraska Commission on Law Enforcement and Criminal
8 Justice shall establish minimum physical, mental, educational, and moral
9 qualifications for all members of any law enforcement reserve force. The
10 commission shall also establish training and continuing education
11 standards and be responsible for providing such training for all members.
12 The commission shall delegate its responsibilities pursuant to this
13 section to the Nebraska Police Standards Advisory Council.

14 (2) Individuals appointed to a law enforcement reserve force shall
15 receive training through or under the supervision of the Nebraska Law
16 Enforcement Training Center and shall achieve the minimum training
17 standards within one year after the date of appointment. Such training
18 may be provided by the training center through regional workshops,
19 training sessions, or similar means of instruction anywhere in the state.

20 (3) Members of the law enforcement reserve force shall be subject to
21 the same continuing education requirements as law enforcement officers
22 pursuant to sections 81-1401 to 81-1414.19 and section 6 of this act.

23 (4) The governing body establishing a law enforcement reserve force
24 shall adopt and publish a reserve force manual setting forth the minimum
25 qualifications, training standards, standard operating procedures, and
26 continuing education requirements for such force and such higher
27 qualifications, standards, and operating procedures as may actually be
28 used.

29 Sec. 10. Section 81-1440, Revised Statutes Supplement, 2021, is
30 amended to read:

31 81-1440 Law ~~Subject to the restrictions set forth in subsection (2)~~

1 ~~of section 81-1438,~~ law enforcement reserve officers shall serve as peace
2 officers on the orders and at the discretion of the sheriff, the mayor,
3 or the chief of police.

4 Sec. 11. Section 81-1443, Revised Statutes Supplement, 2021, is
5 amended to read:

6 81-1443 (1) ~~Law Subject to the restrictions set forth in subsection~~
7 ~~(2) of section 81-1438,~~ law enforcement reserve officers, upon being
8 activated by the sheriff, the mayor, or the chief of police, and while on
9 assigned duty, shall be vested with the same rights, privileges,
10 obligations, and duties of any other peace officer of this state.

11 (2) No person appointed to the reserve force may carry a weapon or
12 otherwise act as a peace officer until such person has been approved by
13 the governing body. After approval, such person may carry a weapon only
14 when authorized by the sheriff or chief of police and when discharging
15 official duties as a duly constituted peace officer.

16 (3) Law enforcement reserve officers shall be subordinate to regular
17 force officers, shall not serve as a peace officer unless under the
18 direction of regular officers, and when serving with regular force
19 officers shall wear no insignia of rank. Each department for which a
20 reserve force is established shall appoint a regular force officer as the
21 reserve force coordinating and supervising officer. Such regular officer
22 shall report directly to the sheriff or the chief of police.

23 Sec. 12. Original sections 29-2264, 81-1401, 81-1403, 81-1414,
24 81-1414.13, 81-1438, 81-1439, 81-1440, and 81-1443, Revised Statutes
25 Supplement, 2021, and section 81-1412, Reissue Revised Statutes of
26 Nebraska, are repealed.