

LEGISLATIVE BILL 1184

Approved by the Governor April 18, 2022

Introduced by Geist, 25; Bostar, 29.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-2009, Reissue Revised Statutes of Nebraska; to change provisions relating to the duty of the Attorney General to defend the Nebraska State Patrol; to provide procedures for agency counsel; and to repeal the original section. Be it enacted by the people of the State of Nebraska,

Section 1. Section 81-2009, Reissue Revised Statutes of Nebraska, is amended to read:

81-2009 (1) The Attorney General, or a member of his or her staff, ~~or a practicing attorney designated by the Attorney General~~, shall defend all civil ~~and criminal~~ actions instituted against the Superintendent of Law Enforcement and Public Safety superintendent or any subordinate officer or employee of the Nebraska State Patrol arising from ~~their employment by the patrol~~.

(2) In any instance in which the actions or omissions of an officer or employee of the patrol are the subject of an inquiry by a grand jury or prosecutor, the officer or employee of the patrol shall be defended by the Attorney General or a member of his or her staff or, in the event of a conflict of interest for the Attorney General, a private practice attorney chosen by the officer or employee of the patrol. Reasonable attorney's fees and costs shall be paid pursuant to section 81-8,239.02.

(3) ~~(2)~~ The superintendent shall provide not less than three agency legal counsels stationed with the Nebraska State Patrol to assist county attorneys in the preparation of cases involving drug abuse and to advise the patrol on all legal matters. Agency counsel shall not represent individual officers or employees of the patrol whose actions or omissions are the subject of inquiry by a grand jury or prosecutor. Agency counsel may advise officers or employees of the patrol who are serving as investigators for a grand jury or a prosecutor.

Sec. 2. Original section 81-2009, Reissue Revised Statutes of Nebraska, is repealed.