

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 284

Introduced by McKinney, 11.

Read first time January 11, 2023

Committee: Judiciary

1 A BILL FOR AN ACT relating to law enforcement; to amend sections 29-411,
2 29-3517, and 81-1410, Reissue Revised Statutes of Nebraska, and
3 sections 81-1414, 81-1414.15, and 81-1414.19, Revised Statutes
4 Cumulative Supplement, 2022; to adopt the Municipal Police Oversight
5 Act; to require city and county attorneys and the Attorney General
6 to maintain public Brady and Giglio lists; to change and provide
7 requirements for execution of no-knock search and arrest warrants;
8 to define terms; to provide for exclusion of evidence; to prohibit
9 criminal justice agencies from collecting, assembling, or preserving
10 data relating to individuals' purported gang status; to require
11 deletion of such records and notification of the subjects of such
12 records; to provide a duty for the Nebraska Commission on Law
13 Enforcement and Criminal Justice; to require a bachelor's degree to
14 gain admission to a law enforcement training academy; to require
15 current law enforcement officers to obtain or begin obtaining a
16 bachelor's degree by 2033; to change provisions relating to law
17 enforcement officer records; to eliminate the offense of unlawful
18 membership recruitment into an organization or association; to
19 harmonize provisions; to provide a duty for the Revisor of Statutes;
20 to provide severability; to repeal the original sections; and to
21 outright repeal section 28-1351, Revised Statutes Cumulative
22 Supplement, 2022.

23 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 16 of this act shall be known and may be
2 cited as the Municipal Police Oversight Act.

3 Sec. 2. The Legislature finds that oversight of municipal law
4 enforcement agencies is a matter of state concern, particularly in larger
5 cities which maintain sizeable police forces. Municipal law enforcement
6 agencies are the primary agencies providing enforcement of criminal laws
7 adopted under state law. Under the Civil Service Act, certain cities
8 having a population of more than five thousand inhabitants which employ
9 full-time police officers must maintain a civil service commission. The
10 Legislature finds that certain cities should also establish oversight
11 boards to monitor, investigate, and evaluate police standards and
12 practices.

13 Sec. 3. For purposes of the Municipal Police Oversight Act:

14 (1) City means any city of the metropolitan class or city of the
15 primary class, including any city which has adopted a home rule charter
16 pursuant to sections 2 to 5 of Article XI of the Constitution of
17 Nebraska, which employs full-time police officers; and

18 (2) Oversight board means a citizen police oversight board created
19 under section 4 of this act.

20 Sec. 4. On or before January 1, 2024, each city shall, by
21 ordinance, create a citizen police oversight board. The ordinance shall
22 specify the composition, jurisdiction, and powers of the oversight board
23 as provided in the Municipal Police Oversight Act.

24 Sec. 5. Each oversight board shall be composed of seven members of
25 the public who shall serve for terms of five years. The members of the
26 oversight board shall be appointed by the city council and shall consist
27 of individuals who represent a cross-section of the residents of the
28 city. Any member of the oversight board shall be eligible for
29 reappointment to the oversight board at the end of the term for which
30 appointed. No person shall serve on an oversight board if, at the time of
31 appointment, during the term for which appointed, or at any time prior to

1 such appointment, such person is or was affiliated with or employed by
2 any law enforcement agency, department, or office of the city for which
3 the oversight board was created or of the county in which the city is
4 located.

5 Sec. 6. Each oversight board shall be mandated and empowered by
6 ordinance to:

7 (1) Investigate and address grievances and complaints filed by
8 members of the public against the police department of the city and any
9 officers of such department;

10 (2) Investigate and address grievances and complaints relating to
11 discrimination based on race, ethnicity, or gender and sexual harassment
12 filed by employees of the police department of such city against any
13 other officers or supervisory personnel of such department;

14 (3) Investigate all shootings involving police officers of such
15 city;

16 (4) Independently investigate all cases of alleged mistreatment or
17 misconduct by the police department of such city and any officers of such
18 department that come to the attention of the oversight board, regardless
19 of whether those cases are the subject of any specific formal complaint
20 or grievance;

21 (5) Identify all instances of police misconduct by police officers
22 of such city and report findings and recommendations in those cases to
23 the police department, the mayor, and the city council of such city and
24 all federal and state registries of police misconduct;

25 (6) When appropriate, provide the police department of such city and
26 other law enforcement agencies with evidence in support of any criminal
27 proceedings, disciplinary proceedings, or other management actions or
28 measures;

29 (7) Provide the police department of such city with feedback from
30 members of the public who have direct experience with police practices;
31 and

1 (8) Monitor, investigate, and evaluate policing standards, patterns,
2 and practices of the police department of such city.

3 Sec. 7. (1) An oversight board may summarily dismiss a grievance or
4 complaint filed by a member of the public without investigation only when
5 the oversight board determines that:

6 (a) The complainant's interest is not sufficiently related to the
7 subject matter of the grievance or complaint;

8 (b) The grievance or complaint is trivial, frivolous, vexatious, or
9 not made in good faith;

10 (c) The oversight board's resources are insufficient for an adequate
11 investigation of the grievance or complaint; or

12 (d) The grievance or complaint has been delayed too long to justify
13 a present examination of its merit.

14 (2) A decision by the oversight board to summarily dismiss a
15 grievance or complaint filed by a member of the public without
16 investigation shall not bar the oversight board from incorporating the
17 facts related to such grievance or complaint in other matters
18 investigated by the oversight board.

19 Sec. 8. A city shall provide its oversight board with sufficient
20 funding and resources to adequately perform its duties under the
21 Municipal Police Oversight Act. Each investigation carried out under the
22 authority of the oversight board shall be conducted independently of the
23 police department of such city. The oversight board shall employ
24 dedicated staff investigators, none of whom shall have previously been
25 affiliated with or employed by any law enforcement agency, department, or
26 office of such city or of the county in which the city is located.

27 Sec. 9. Each oversight board and the investigators employed by the
28 oversight board shall be empowered by ordinance with the full range of
29 investigative powers necessary to enable such board and investigators to
30 conduct fair, independent, and effective investigations. Such powers
31 shall include, but are not limited to, the power to:

1 (1) Request and receive from the police department of the city any
2 assistance and information the oversight board deems necessary for the
3 discharge of its duties and responsibilities;

4 (2) Notwithstanding any other provision of law, inspect and examine
5 all police department records and documents, including police department
6 personnel records and documents, that the oversight board deems relevant
7 to any matter being investigated by the oversight board; and

8 (3) Issue subpoenas, enforceable by action in an appropriate court,
9 to compel any person to appear, give sworn testimony, or produce
10 documentary or other evidence deemed relevant to a matter under
11 investigation by the oversight board.

12 Sec. 10. To the extent applicable, each oversight board and the
13 investigators employed by an oversight board shall, in evaluating matters
14 under investigation or review by the oversight board, consult relevant
15 standards promulgated by the Nebraska Commission on Law Enforcement and
16 Criminal Justice and the Nebraska Police Standards Advisory Council.

17 Sec. 11. (1) After an investigator employed by an oversight board
18 has completed an investigation of any matter within the authority of the
19 oversight board, the investigator shall submit a report in writing to the
20 oversight board summarizing the:

21 (a) Findings of fact relative to the matter; and

22 (b) Recommendations to the oversight board relating to the
23 disposition of the matter.

24 (2) After receiving such report, the oversight board shall place the
25 matter on its agenda for the oversight board's next public meeting, and
26 at that meeting the oversight board shall determine the disposition of
27 the matter by a majority vote of all members of the oversight board. The
28 oversight board shall immediately thereafter publish its conclusions and
29 recommendations in a written summary transmitted to the city police
30 department, the mayor, and the city council.

31 (3) When it appears there may have been criminal conduct by any

1 police officer involved in a matter that was investigated by the
2 oversight board, the oversight board shall also submit its written
3 summary on the matter, along with any evidence in support of possible
4 criminal proceedings, to the county attorney of the county in which such
5 potential criminal conduct occurred.

6 (4) All written summaries prepared by an oversight board shall
7 incorporate verbatim copies of the written report submitted to the
8 oversight board by the investigator. The oversight board may also submit
9 such special reports as the oversight board may deem necessary to the
10 police department, the mayor, and the city council of such city.

11 (5) At its sole discretion, an oversight board may publish any of
12 its written summaries and reports, including by releasing such written
13 summaries and reports to the news media.

14 Sec. 12. If an oversight board submits a summary or report to the
15 police department making specific recommendations for action to be taken
16 by the police department, the police department shall be required by city
17 ordinance to submit a timely response to the oversight board explaining
18 the reasons for the police department's acceptance or rejection of such
19 recommendations.

20 Sec. 13. No member or employee of an oversight board shall be held
21 civilly liable for any actions taken or decisions made in good faith
22 under the Municipal Police Oversight Act.

23 Sec. 14. (1) All written summaries and reports prepared by an
24 oversight board, including the verbatim copies of the written reports
25 submitted to the oversight board by investigators employed by the
26 oversight board, shall be considered public records for purposes of
27 sections 84-712 to 84-712.09.

28 (2) All responses submitted to an oversight board pursuant to
29 section 12 of this act shall be considered public records for purposes of
30 sections 84-712 to 84-712.09.

31 (3) Subdivision (8) of section 84-712.05 shall not apply to the

1 written summaries and reports prepared by an oversight board, including
2 verbatim copies of the written reports submitted to the oversight board
3 by investigators, or the responses submitted to the oversight board
4 pursuant to section 12 of this act.

5 Sec. 15. All meetings of an oversight board shall be public
6 meetings conducted in compliance with the Open Meetings Act.

7 Sec. 16. No city or city police department may negotiate or agree
8 to any employment contract or collective-bargaining agreement that would
9 conflict with or abrogate the authority of an oversight board created
10 pursuant to the Municipal Police Oversight Act. Any provision of any
11 employment contract or collective-bargaining agreement entered into after
12 the effective date of this act that conflicts with or abrogates the
13 authority of an oversight board created pursuant to the Municipal Police
14 Oversight Act is null and void.

15 Sec. 17. (1) Beginning June 1, 2024, each city attorney and county
16 attorney and the Attorney General shall maintain a Brady and Giglio list
17 in accordance with this section. The list shall identify law enforcement
18 officers who, due to misconduct or otherwise, have impaired their own
19 credibility such that disclosure to the defendant is required under Brady
20 v. Maryland, 373 U.S. 83 (1963), and Giglio v. United States, 405 U.S.
21 150 (1972), and subsequent cases of the Supreme Court of the United
22 States and the Supreme Court of Nebraska. The list shall contain a
23 description of the reason disclosure is required.

24 (2) The list required by this section is a public document. A city
25 attorney shall post such list on the city's website. A county attorney
26 shall post such list on the county's website. The Attorney General shall
27 post such list on the Attorney General's website. The list shall be
28 updated at least monthly.

29 (3) On or before January 1, 2024, the Nebraska Commission on Law
30 Enforcement and Criminal Justice shall adopt and promulgate rules and
31 regulations to carry out this section, including, but not limited to,

1 criteria and processes for determining when disclosure is required and
2 what is required to be disclosed.

3 Sec. 18. Section 29-411, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 29-411 In executing a warrant for the arrest of a person charged
6 with an offense, or a search warrant, or when authorized to make an
7 arrest for a felony without a warrant, the officer may break open any
8 outer or inner door or window of a dwelling house or other building, if,
9 after notice of his or her office and purpose, the officer he is refused
10 admittance. ~~; or without giving notice of his authority and purpose, if~~
11 ~~the judge or magistrate issuing a search warrant has inserted a direction~~
12 ~~therein that the officer executing it shall not be required to give such~~
13 ~~notice, but the political subdivision from which such officer is elected~~
14 ~~or appointed shall be liable for all damages to the property in gaining~~
15 ~~admission. The judge or magistrate may so direct only upon proof under~~
16 ~~oath, to his satisfaction that the property sought may be easily or~~
17 ~~quickly destroyed or disposed of, or that danger to the life or limb of~~
18 ~~the officer or another may result, if such notice be given; but this~~
19 ~~section is not intended to authorize any officer executing a search~~
20 ~~warrant to enter any house or building not described in the warrant.~~

21 Sec. 19. (1) A no-knock warrant shall only be issued and executed
22 as provided in this section.

23 (2) A court may issue a no-knock warrant if:

24 (a) The court finds by clear and convincing evidence that:

25 (i) The warrant is for the arrest of a person for, or search for
26 evidence of, a crime of violence; and

27 (ii) As established by facts specific to the case, giving notice
28 prior to entry will:

29 (A) Endanger the life or safety of any person; or

30 (B) Result in the loss or destruction of evidence relating to a
31 crime of violence;

1 (b) The law enforcement officer seeking the warrant has obtained the
2 approval of such officer's supervising officer or has the approval of the
3 highest ranking officer in such officer's law enforcement agency;

4 (c) The law enforcement officer seeking the warrant has consulted
5 with the Attorney General or with the county attorney or city attorney
6 for the jurisdiction for which the warrant is sought, or with the
7 designee of any such person; and

8 (d) The law enforcement officer seeking the warrant discloses to the
9 court, as part of the application, any other attempt to obtain a warrant
10 authorizing entry without notice for the same premises or for the arrest
11 of the same individual.

12 (3) A no-knock warrant shall only authorize entry without notice
13 between the hours of 6 a.m. and 10 p.m., except in exigent circumstances
14 when the court further finds, by clear and convincing evidence, that
15 there are substantial and imminent risks to the health and safety of the
16 persons executing the warrant, the occupants of the premises, or the
17 public that justify the entry without notice during other hours
18 designated by the court.

19 (4) A warrant issued under this section shall include the legibly
20 printed name and signature of the issuing judge, whether electronic or
21 printed.

22 (5) A judge shall carefully review any application for a warrant
23 pursuant to this section in a neutral and detached manner. Failure to do
24 so shall constitute grounds for a complaint to the Commission on Judicial
25 Qualifications.

26 (6) A warrant issued pursuant to this section shall be executed:

27 (a) By law enforcement officers who:

28 (i) Are members of a special weapons and tactics team, a special
29 response team, or another established team or unit trained and tasked
30 with resolving high-risk situations and incidents, who have received
31 appropriate training in the execution of arrest and search warrants

1 authorizing entry without notice. In a county with a population of fewer
2 than sixty thousand inhabitants, when, after reasonable inquiry by the
3 law enforcement officer seeking the warrant, members of such a team or
4 unit are not available to timely execute the warrant and the court finds
5 by clear and convincing evidence that the risks to the health and safety
6 of the persons executing the warrant, the occupants of the premises, or
7 the public are greater if the warrant is not timely executed, the court
8 may approve the execution of the warrant without members of such unit or
9 team;

10 (ii) Are equipped with body-worn cameras which shall record the
11 entirety of the execution of the warrant; and

12 (iii) Are equipped with clearly visible insignia on any protective
13 equipment or clothing that clearly identifies the name of the agency that
14 employs the officers executing the warrant, including any special team or
15 unit designation;

16 (b) In the presence of at least one uniformed law enforcement
17 officer; and

18 (c) With emergency medical responders in proximity and available to
19 provide medical assistance if needed.

20 (7) If a law enforcement officer damages or destroys property in the
21 execution of a warrant under this section, the government entity or
22 political subdivision from which such officer is elected or appointed
23 shall be liable for the cost of repairing or replacing such property.

24 (8)(a) Except as provided in subdivision (8)(b) of this section, the
25 following evidence is not admissible in any civil or criminal proceeding:

26 (i) Evidence gathered by a no-knock warrant issued or executed in
27 violation of this section; or

28 (ii) Evidence gathered by a no-knock warrant when such warrant was
29 obtained through perjury or a materially false statement.

30 (b) Subdivision (8)(a) of this section does not exclude evidence if:

31 (i) In a civil action for damages arising from issuance or execution

1 of the no-knock warrant, it is offered by the plaintiff; or

2 (ii) In a criminal proceeding for perjury or making a materially
3 false statement in the application for the no-knock warrant, it is
4 offered against the defendant.

5 (9) For purposes of this section:

6 (a) Body-worn camera means a device worn by a law enforcement
7 officer which has the capability to record both audio and video;

8 (b) Crime of violence means:

9 (i) A violation of section 28-303, 28-304, 28-305, 28-308, 28-309,
10 28-310, 28-310.01, 28-311, 28-311.03, 28-313, 28-314, 28-316.01, 28-319,
11 28-319.01, 28-320, 28-320.01, 28-322.02, 28-322.03, 28-322.04, 28-322.05,
12 28-323, 28-324, 28-386, 28-507, 28-703, 28-707, or 28-831;

13 (ii) An offense that has as an element the threat to inflict serious
14 bodily injury or death on another person, the infliction of serious
15 bodily injury on another person, or causing the death of another person;

16 (iii) An offense for which registration is required under the Sex
17 Offender Registration Act;

18 (iv) An offense that involves, as an element of the offense, sexual
19 contact or sexual penetration; or

20 (v) Attempt, conspiracy, solicitation, being an accessory to, aiding
21 and abetting, aiding the consummation of, or compounding a felony with
22 any of the offenses listed in subdivision (9)(b)(i), (ii), (iii), or (iv)
23 of this section as the underlying offense;

24 (c) Emergency responder means an emergency medical responder, an
25 emergency medical technician, an advanced emergency medical technician,
26 or a paramedic licensed under the Emergency Medical Services Practice Act
27 or practicing pursuant to the EMS Personnel Licensure Interstate Compact;

28 (d) No-knock warrant means an arrest warrant or a search warrant
29 authorizing entry into any dwelling house or other building without
30 notice to the occupants of such house or building;

31 (e) Sexual contact and sexual penetration have the same meaning as

1 in section 28-318; and

2 (f) Serious bodily injury has the same meaning as in section 28-109.

3 Sec. 20. Section 29-3517, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 29-3517 (1) Each criminal justice agency shall institute a process
6 of data collection, entry, storage, and systematic audit of criminal
7 history record information that will minimize the possibility of
8 recording and storing inaccurate information. Any criminal justice agency
9 which finds that it has reported inaccurate information of a material
10 nature shall forthwith notify each criminal justice agency known to have
11 received such information. Each criminal justice agency shall (a) ~~(1)~~
12 maintain a listing of the individuals or agencies both in and outside of
13 the state to which criminal history record information was released, a
14 record of what information was released, and the date such information
15 was released, (b) ~~(2)~~ establish a delinquent disposition monitoring
16 system, and (c) ~~(3)~~ verify all record entries.

17 (2) A criminal justice agency shall not collect, assemble, or
18 preserve data relating to an individual's purported gang status,
19 affiliation, or membership. Any criminal justice agency which has
20 collected or which maintains such data shall delete such records and
21 shall forthwith notify:

22 (a) Each criminal justice agency known to have received such
23 information that it has deleted or destroyed such information; and

24 (b) Each person in interest who is the subject of such a deleted
25 record that such record has been deleted.

26 Sec. 21. Section 81-1410, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 81-1410 (1) The council shall adopt and promulgate rules and
29 regulations governing the minimum admission requirements for all training
30 academies. Until the rules and regulations become effective, the
31 admission requirements existing on July 13, 2000, pertaining to the

1 training center shall be applicable to all training academies, except the
2 Nebraska State Patrol. The rules and regulations shall establish
3 admission criteria which shall include, but not be limited to, (a)
4 physical, mental, and emotional fitness and (b) disclosure of any
5 criminal history. The council may also adopt a priority system for
6 admission to the training center and the other training academies
7 conducting certification training for officers not employed by that
8 training academy's agency.

9 (2) The council may admit an applicant to any training academy for
10 entry-level law enforcement certification when the applicant meets the
11 following minimum criteria:

12 (a) The applicant is or will be a citizen of the United States prior
13 to the completion of certification;

14 (b) The applicant will reach the age of twenty-one years prior to
15 the completion of the training;

16 (c) The applicant has been fingerprinted and a search has been made
17 of local, state, and national fingerprint files for disclosure of any
18 criminal record and the results furnished to the training center;

19 (d) The applicant has a valid motor vehicle operator's or
20 chauffeur's license;

21 (e) The applicant has vision correctable to 20/30 and has no
22 evidence of an irreversible disease which will affect the person's sight;

23 (f) The applicant has been pardoned or has never been convicted by
24 any state or the United States of a crime punishable by imprisonment in a
25 penitentiary for a term of one year or more or by any foreign government
26 of a crime which would be punishable by imprisonment for a term of one
27 year or more if committed in Nebraska or has had a conviction for such an
28 offense overturned or reversed by a court of competent jurisdiction;

29 (g) The applicant possesses good character as determined by a
30 thorough background investigation;

31 (h) The applicant ~~(i)(A) is a high school graduate or (B) possesses~~

1 ~~a general educational development certificate and (ii)~~ is able to read,
2 write, and understand the English language at the eleventh grade level;

3 (i) The applicant has a bachelor's degree or higher from an
4 accredited college or university;

5 (j) ~~(i)~~ The applicant has not been convicted of driving while
6 intoxicated in the two years immediately preceding admission; and

7 (k) ~~(j)~~ The applicant has been examined by a licensed physician one
8 year or less prior to admission and has been certified by the physician
9 to have met the physical requirements, as determined by the council,
10 necessary to fulfill the responsibilities of a law enforcement officer
11 and successfully complete the requirements for training.

12 (3) In all cases in which it is necessary to acquire documents or
13 other information to determine whether or not an applicant meets any of
14 the requirements of subsection (2) of this section, such copies or other
15 information shall be supplied by the applicant at his or her own expense.

16 Sec. 22. Section 81-1414, Revised Statutes Cumulative Supplement,
17 2022, is amended to read:

18 81-1414 (1) On and after January 1, 1972, law enforcement officers
19 already serving under permanent appointment shall not be required to meet
20 any requirement of subsection (2) of this section as a condition of
21 tenure or continued employment.

22 (2) Except as provided in subsection (6) of this section, on and
23 after January 1, 1972, no person shall receive appointment as a law
24 enforcement officer unless such person:

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

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

31 (c) Is certified as a law enforcement officer in another state and

1 has successfully completed the requirements of a reciprocity program and
2 been approved as provided in section 81-1414.13.

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

9 (4) Law enforcement officers who are promoted in rank shall
10 satisfactorily complete such council-approved training within one year of
11 such promotion.

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

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

20 (b) A noncertified conditional officer shall meet all requirements
21 for admission to the training center and shall immediately apply for
22 admission to the training center and enroll in the next available basic
23 training class.

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

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

28 (ii) Sixteen hours of firearms training and passing the minimum
29 requirements for the handgun qualification course as provided in section
30 81-1412.01;

31 (iii) Twelve hours of arrest and search and seizure training with

1 Fourth Amendment and Fifth Amendment training;

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

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

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

5 (vii) Four hours of substance abuse training.

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

10 (e) A noncertified conditional officer shall not interact with the
11 public unless such officer is under the direct supervision of a field
12 training officer approved by the law enforcement agency employing such
13 noncertified conditional officer.

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

16 (i) Ride in a marked police cruiser;

17 (ii) Make arrests;

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

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

20 (g) A noncertified conditional officer may be employed for a period
21 not to exceed sixteen consecutive weeks. The council may extend such
22 period as follows:

23 (i) 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 (ii) The council shall grant an extension not to exceed sixteen
27 consecutive weeks upon finding:

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

31 (B) That the training center denied the officer's enrollment in the

1 next basic training class due to class size limitations or another reason
2 that was not the fault of the officer;

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

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

7 (h) Failure to follow the requirements and restrictions of this
8 subsection shall be considered a violation of the law and neglect of
9 duty.

10 (i) The council may adopt and promulgate rules and regulations as
11 necessary to carry out this subsection, including, but not limited to,
12 rules and regulations permitting the virtual or online completion of
13 required training and minimum standards and qualifications for field
14 training officers. Prior to the expiration of ninety days after any such
15 rules and regulations adopted become effective, any certified law
16 enforcement officer with not less than three years of experience may
17 serve as a field training officer.

18 (7) On or before September 1, 2033, in order to maintain
19 certification as a law enforcement officer, a person shall either:

20 (a) Hold a bachelor's degree or higher degree from an accredited
21 college or university; or

22 (b) Enroll in an accredited college or university and obtain a
23 bachelor's degree or higher degree by September 1, 2037.

24 Sec. 23. Section 81-1414.15, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 81-1414.15 (1) The chief of police, sheriff, Superintendent of Law
27 Enforcement and Public Safety, or the head administrator of a law
28 enforcement agency or an agency employing a law enforcement officer shall
29 submit a personnel change in status form as approved by the council to
30 the director of the training center within seven calendar days after the
31 date a law enforcement officer is hired by the agency or leaves

1 employment with the agency.

2 (2) Each law enforcement agency or agency employing a law
3 enforcement officer shall maintain a record regarding the reason or
4 reasons for, and circumstances surrounding, a separation of service for
5 each law enforcement officer employed by that agency. Such record shall
6 be retained for five years following a law enforcement officer's
7 separation from the agency.

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

19 (4) The chief of police, sheriff, Superintendent of Law Enforcement
20 and Public Safety, or the head administrator of a law enforcement agency
21 or an agency employing a law enforcement officer shall make a report to
22 the commission of any law enforcement officer who is terminated from
23 employment or allowed to resign in lieu of termination for conduct
24 described in subdivision (6) of section 81-1403. The report shall
25 include, but not be limited to, a summary of the allegations pertaining
26 to the officer and identification of any witnesses relevant to the
27 allegations, and shall be filed with the commission within thirty
28 calendar days of the termination or resignation in lieu of termination.

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

31 Sec. 24. Section 81-1414.19, Revised Statutes Cumulative Supplement,

1 2022, is amended to read:

2 81-1414.19 (1) ~~The On or before July 1, 2022,~~ the commission shall
3 post on its public website a list of all law enforcement officers who
4 have, on or after January 1, 2021:

5 (a) Voluntarily surrendered their certifications or had their
6 certifications revoked;

7 (b) Been convicted of or pleaded guilty or nolo contendere to a
8 felony or a Class I misdemeanor; or

9 (c) Upon adjudication by the council, been found to have engaged in
10 serious misconduct.

11 (2) The list provided for in this section shall be accompanied on
12 the commission's public website by a letter that includes, for each law
13 enforcement officer on such list:

14 (a) The officer's name, rank, and the law enforcement agency for
15 which such officer works or most recently worked;

16 (b) A statement indicating the reason such officer's name is on the
17 list;

18 (c) A description of any discipline imposed; and

19 (d) An affirmation, signed by the chief of police, sheriff, or the
20 head administrator of the officer's law enforcement agency or the
21 Superintendent of Law Enforcement and Public Safety affirming the truth
22 and accuracy of the matters stated in the letter.

23 (3) The list provided for in this section shall include, for each
24 law enforcement officer on such list, an indication of whether the
25 officer's certification is active or has been suspended or revoked or is
26 otherwise inactive.

27 (4) Any (3) Beginning July 1, 2022, any time a law enforcement
28 officer voluntarily surrenders such officer's certification, has such
29 certification revoked, or is adjudicated by the council to have engaged
30 in serious misconduct, the council shall notify the commission within
31 thirty days after such surrender, revocation, or adjudication.

1 (5) ~~The (4) By July 1, 2022,~~ the council shall establish a
2 procedure, including an opportunity for a hearing, by which a law
3 enforcement officer may challenge the inclusion of such officer's name on
4 the list.

5 Sec. 25. The Revisor of Statutes shall assign sections 1 to 16 of
6 this act to Chapter 18.

7 Sec. 26. If any section in this act or any part of any section is
8 declared invalid or unconstitutional, the declaration shall not affect
9 the validity or constitutionality of the remaining portions.

10 Sec. 27. Original sections 29-411, 29-3517, and 81-1410, Reissue
11 Revised Statutes of Nebraska, and sections 81-1414, 81-1414.15, and
12 81-1414.19, Revised Statutes Cumulative Supplement, 2022, are repealed.

13 Sec. 28. The following section is outright repealed: Section
14 28-1351, Revised Statutes Cumulative Supplement, 2022.