

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 382

Introduced by Bostar, 29.

Read first time January 12, 2023

Committee: Judiciary

1 A BILL FOR AN ACT relating to law enforcement; to amend sections 20-502,
2 20-504, 25-21,303, 28-109, 28-359, 29-209, 29-406, 29-4103, 29-4502,
3 44-3,134, 48-202, 48-1108, 49-801, 53-1,121, 54-902, 60-3,135,
4 60-480.01, 60-646, 69-2429, and 86-802, Reissue Revised Statutes of
5 Nebraska, and sections 28-311.09, 28-311.11, 28-322.05, 28-470,
6 28-710, 28-1008, 29-215, 42-903, 48-101.01, 71-507, 71-3414,
7 81-1401, 81-1452, 81-1455, and 85-2602, Revised Statutes Cumulative
8 Supplement, 2022; to provide powers and duties for University of
9 Nebraska police departments and police officers as prescribed; to
10 provide and change definitions; to harmonize provisions; and to
11 repeal the original sections.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 20-502, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 20-502 (1) No member of the Nebraska State Patrol or a county
4 sheriff's office, officer of a city or village police department, officer
5 of a University of Nebraska police department, or member of any other law
6 enforcement agency in this state shall engage in racial profiling. The
7 disparate treatment of an individual who has been detained or whose motor
8 vehicle has been stopped by a law enforcement officer is inconsistent
9 with this policy.

10 (2) Racial profiling shall not be used to justify the detention of
11 an individual or to conduct a motor vehicle stop.

12 Sec. 2. Section 20-504, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 20-504 (1) The Nebraska State Patrol, the county sheriffs, all city
15 and village police departments, all University of Nebraska police
16 departments, and any other law enforcement agency in this state shall
17 adopt and provide a copy to the Nebraska Commission on Law Enforcement
18 and Criminal Justice of a written policy that prohibits the detention of
19 any person or a motor vehicle stop when such action is motivated by
20 racial profiling. Such racial profiling prevention policy shall include
21 definitions consistent with section 20-503 and one or more internal
22 methods of prevention and enforcement, including, but not limited to:

23 (a) Internal affairs investigation;

24 (b) Preventative measures including extra training at the Nebraska
25 Law Enforcement Training Center focused on avoidance of apparent or
26 actual racial profiling;

27 (c) Anti-bias and implicit bias training and testing designed to
28 minimize apparent or actual racial profiling;

29 (d) Early intervention with any particular personnel determined by
30 the administration of the agency to have committed, participated in,
31 condoned, or attempted to cover up any instance of racial profiling; and

1 (e) Disciplinary measures or other formal or informal methods of
2 prevention and enforcement.

3 None of the preventative or enforcement measures shall be
4 implemented contrary to the collective-bargaining agreement provisions or
5 personnel rules under which the member or officer in question is
6 employed.

7 (2) The Nebraska Commission on Law Enforcement and Criminal Justice
8 may develop and distribute a suggested model written racial profiling
9 prevention policy for use by law enforcement agencies, but the commission
10 shall not mandate the adoption of the model policy except for any
11 particular law enforcement agency which fails to timely create and
12 provide to the commission a policy for the agency in conformance with the
13 minimum standards set forth in this section.

14 (3) With respect to a motor vehicle stop, ~~on and after January 1,~~
15 ~~2002,~~ the Nebraska State Patrol, the county sheriffs, all city and
16 village police departments, all University of Nebraska police
17 departments, and any other law enforcement agency in this state shall
18 record and retain the following information using the form developed and
19 promulgated pursuant to section 20-505:

20 (a) The number of motor vehicle stops;

21 (b) The characteristics of race or ethnicity of the person stopped.
22 The identification of such characteristics shall be based on the
23 observation and perception of the law enforcement officer responsible for
24 reporting the motor vehicle stop and the information shall not be
25 required to be provided by the person stopped;

26 (c) If the stop is for a law violation, the nature of the alleged
27 law violation that resulted in the motor vehicle stop;

28 (d) Whether a warning or citation was issued, an arrest made, or a
29 search conducted as a result of the motor vehicle stop. Search does not
30 include a search incident to arrest or an inventory search; and

31 (e) Any additional information that the Nebraska State Patrol, the

1 county sheriffs, all city and village police departments, all University
2 of Nebraska police departments, or any other law enforcement agency ~~in~~
3 ~~this state, as the case may be,~~ deems appropriate.

4 (4) The Nebraska Commission on Law Enforcement and Criminal Justice
5 may develop a uniform system for receiving allegations of racial
6 profiling. The Nebraska State Patrol, the county sheriffs, all city and
7 village police departments, all University of Nebraska police
8 departments, and any other law enforcement agency in this state shall
9 provide to the commission (a) a copy of each allegation of racial
10 profiling received and (b) written notification of the review and
11 disposition of such allegation. No information revealing the identity of
12 the law enforcement officer involved in the stop shall be used,
13 transmitted, or disclosed in violation of any collective-bargaining
14 agreement provision or personnel rule under which such law enforcement
15 officer is employed. No information revealing the identity of the
16 complainant shall be used, transmitted, or disclosed in the form alleging
17 racial profiling.

18 (5) Any law enforcement officer who in good faith records
19 information on a motor vehicle stop pursuant to this section shall not be
20 held civilly liable for the act of recording such information unless the
21 law enforcement officer's conduct was unreasonable or reckless or in some
22 way contrary to law.

23 (6) On or before each October 1, ~~2002, and annually thereafter,~~ the
24 Nebraska State Patrol, the county sheriffs, all city and village police
25 departments, all University of Nebraska police departments, and all other
26 law enforcement agencies in this state shall provide to the Nebraska
27 Commission on Law Enforcement and Criminal Justice, in such form as the
28 commission prescribes, a summary report of the information recorded
29 pursuant to subsection (3) of this section.

30 (7) The Nebraska Commission on Law Enforcement and Criminal Justice
31 shall, within the limits of its existing appropriations, including any

1 grant funds which the commission is awarded for such purpose, provide for
2 an annual review and analysis of the prevalence and disposition of motor
3 vehicle stops based on racial profiling and allegations of racial
4 profiling involved in other detentions reported pursuant to this section.
5 After the review and analysis, the commission may, when it deems
6 warranted, inquire into and study individual law enforcement agency
7 circumstances in which the raw data collected and analyzed raises at
8 least some issue or appearance of possible racial profiling. The
9 commission may make recommendations to any such law enforcement agency
10 for the purpose of improving measures to prevent racial profiling or the
11 appearance of racial profiling. The results of such review, analysis,
12 inquiry, and study and any recommendations by the commission to any law
13 enforcement agency shall be reported annually to the Governor and the
14 Legislature. The report submitted to the Legislature shall be submitted
15 electronically.

16 (8) Any law enforcement officer, prosecutor, defense attorney, or
17 probation officer, unless restricted by privilege, who becomes aware of
18 incidents of racial profiling by a law enforcement agency, shall report
19 such incidents to the Nebraska Commission on Law Enforcement and Criminal
20 Justice within thirty days after becoming aware of such practice.

21 (9) If the Nebraska State Patrol, a county sheriff, a city and
22 village police department, a University of Nebraska police department, or
23 any other law enforcement agency in this state fails, in a material
24 manner, to record or retain information as required by subsection (3) of
25 this section or to provide the information to the Nebraska Commission on
26 Law Enforcement and Criminal Justice as required by subsection (6) of
27 this section, such agency shall be ineligible to receive loans, grants,
28 funds, or donations administered by the commission until the commission
29 determines that such material failure has been corrected.

30 Sec. 3. Section 25-21,303, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 25-21,303 (1) For all money, securities, negotiable instruments,
2 firearms, conveyances, or real estate seized pursuant to section
3 25-21,302, the appropriate law enforcement agency or, as provided in
4 subsection (5) of this section, the prosecuting attorney shall provide a
5 written report of the forfeiture to the Auditor of Public Accounts. The
6 report shall include:

7 (a) The date of the seizure;

8 (b) The type of property seized, such as a vehicle, currency, or a
9 firearm;

10 (c) A description of the property seized, including, if applicable,
11 the make, model, year, and serial number of the property seized;

12 (d) The street name and traffic direction where the seizure
13 occurred, such as eastbound, westbound, southbound, or northbound;

14 (e) The crime for which the suspect was charged;

15 (f) The disposition of the property seized through the forfeiture
16 process, such as the property was returned to the suspect, returned to a
17 third-party owner, sold, destroyed, or retained by law enforcement;

18 (g) The basis for disposition of the seized property, such as the
19 suspect was found not guilty, agreement for disposition, criminal
20 forfeiture, or civil forfeiture;

21 (h) The value of the property forfeited;

22 (i) If the seizure resulted from a motor vehicle stop, (i) whether a
23 warning or citation was issued, an arrest was made, or a search was
24 conducted and (ii) the characteristics of the race or ethnicity of the
25 suspect. The identification of such characteristics shall be based on the
26 observation and perception of the law enforcement officer responsible for
27 reporting the motor vehicle stop. The information shall not be required
28 to be provided by the suspect; and

29 (j) Any additional information the Nebraska State Patrol, a county
30 sheriff, any city or village police department, a University of Nebraska
31 police department, or any other law enforcement agency in this state, as

1 the case may be, deems appropriate.

2 (2) The appropriate law enforcement agency or prosecuting attorney
3 shall report to the Auditor of Public Accounts all instances in which
4 property seized for forfeiture was returned to its owner either because
5 the forfeiture was not pursued or for any other reason.

6 (3) Reports shall be made on an annual basis in a manner prescribed
7 by the Auditor of Public Accounts. The Auditor of Public Accounts shall
8 submit a report to the Legislature on the nature and extent of such
9 seizures on an annual basis. Such report shall be submitted
10 electronically.

11 (4) For forfeitures resulting from the activities of
12 multijurisdictional law enforcement entities, a law enforcement entity
13 other than a Nebraska law enforcement entity shall, on its own
14 initiative, report the information required by this section.

15 (5) The prosecuting attorney is not required to report information
16 required by this section unless he or she has been notified by the
17 Auditor of Public Accounts that the appropriate law enforcement agency
18 has not reported the information required by this section.

19 Sec. 4. Section 28-109, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 28-109 For purposes of the Nebraska Criminal Code, unless the
22 context otherwise requires:

23 (1) Act shall mean a bodily movement, and includes words and
24 possession of property;

25 (2) Aid or assist shall mean knowingly to give or lend money or
26 credit to be used for, or to make possible or available, or to further
27 activity thus aided or assisted;

28 (3) Benefit shall mean any gain or advantage to the beneficiary
29 including any gain or advantage to another person pursuant to the desire
30 or consent of the beneficiary;

31 (4) Bodily injury shall mean physical pain, illness, or any

1 impairment of physical condition;

2 (5) Conduct shall mean an action or omission and its accompanying
3 state of mind, or, where relevant, a series of acts and omissions;

4 (6) Conveyance shall mean a mode of transportation that includes any
5 vehicle, aircraft, or watercraft;

6 (7) Deadly physical force shall mean force, the intended, natural,
7 and probable consequence of which is to produce death, or which does, in
8 fact, produce death;

9 (8) Deadly weapon shall mean any firearm, knife, bludgeon, or other
10 device, instrument, material, or substance, whether animate or inanimate,
11 which in the manner it is used or intended to be used is capable of
12 producing death or serious bodily injury;

13 (9) Deface shall mean to alter the appearance of something by
14 removing, distorting, adding to, or covering all or a part of the thing;

15 (10) Dwelling shall mean a building or other thing which is used,
16 intended to be used, or usually used by a person for habitation;

17 (11) Government shall mean the United States, any state, county,
18 municipality, or other political unit, any branch, department, agency, or
19 subdivision of any of the foregoing, and any corporation or other entity
20 established by law to carry out any governmental function;

21 (12) Governmental function shall mean any activity which a public
22 servant is legally authorized to undertake on behalf of government;

23 (13) Motor vehicle shall mean every self-propelled land vehicle, not
24 operated upon rails, except self-propelled chairs used by persons who are
25 disabled, electric personal assistive mobility devices as defined in
26 section 60-618.02, and bicycles as defined in section 60-611;

27 (14) Omission shall mean a failure to perform an act as to which a
28 duty of performance is imposed by law;

29 (15) Peace officer shall mean any officer or employee of the state
30 or a political subdivision authorized by law to make arrests, including
31 any University of Nebraska police officer, and shall include members of

1 the National Guard on active service by direction of the Governor during
2 periods of emergency or civil disorder;

3 (16) Pecuniary benefit shall mean benefit in the form of money,
4 property, commercial interest, or anything else, the primary significance
5 of which is economic gain;

6 (17) Person shall mean any natural person and where relevant a
7 corporation or an unincorporated association;

8 (18) Public place shall mean a place to which the public or a
9 substantial number of the public has access, and includes but is not
10 limited to highways, transportation facilities, schools, places of
11 amusement, parks, playgrounds, and the common areas of public and private
12 buildings and facilities;

13 (19) Public servant shall mean any officer or employee of
14 government, whether elected or appointed, and any person participating as
15 an advisor, consultant, process server, or otherwise in performing a
16 governmental function, but the term does not include witnesses;

17 (20) Recklessly shall mean acting with respect to a material element
18 of an offense when any person disregards a substantial and unjustifiable
19 risk that the material element exists or will result from his or her
20 conduct. The risk must be of such a nature and degree that, considering
21 the nature and purpose of the actor's conduct and the circumstances known
22 to the actor, its disregard involves a gross deviation from the standard
23 of conduct that a law-abiding person would observe in the actor's
24 situation;

25 (21) Serious bodily injury shall mean bodily injury which involves a
26 substantial risk of death, or which involves substantial risk of serious
27 permanent disfigurement, or protracted loss or impairment of the function
28 of any part or organ of the body;

29 (22) Tamper shall mean to interfere with something improperly or to
30 make unwarranted alterations in its condition;

31 (23) Thing of value shall mean real property, tangible and

1 intangible personal property, contract rights, choses in action,
2 services, and any rights of use or enjoyment connected therewith; and

3 (24) Voluntary act shall mean an act performed as a result of effort
4 or determination, and includes the possession of property if the actor
5 was aware of his or her physical possession or control thereof for a
6 sufficient period to have been able to terminate it.

7 Sec. 5. Section 28-311.09, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 28-311.09 (1) Any victim who has been harassed as defined by section
10 28-311.02 may file a petition and affidavit for a harassment protection
11 order as provided in subsection (3) of this section. Upon the filing of
12 such a petition and affidavit in support thereof, the court may issue a
13 harassment protection order without bond enjoining the respondent from
14 (a) imposing any restraint upon the person or liberty of the petitioner,
15 (b) harassing, threatening, assaulting, molesting, attacking, or
16 otherwise disturbing the peace of the petitioner, or (c) telephoning,
17 contacting, or otherwise communicating with the petitioner. The
18 harassment protection order shall specify to whom relief under this
19 section was granted.

20 (2) The petition for a harassment protection order shall state the
21 events and dates or approximate dates of acts constituting the alleged
22 harassment, including the most recent and most severe incident or
23 incidents.

24 (3) A petition for a harassment protection order shall be filed with
25 the clerk of the district court, and the proceeding may be heard by the
26 county court or the district court as provided in section 25-2740.

27 (4) A petition for a harassment protection order filed pursuant to
28 subsection (1) of this section may not be withdrawn except upon order of
29 the court. An order issued pursuant to subsection (1) of this section
30 shall specify that it is effective for a period of one year unless
31 otherwise dismissed or modified by the court. Any person, except the

1 petitioner, who knowingly violates an order issued pursuant to subsection
2 (1) of this section after service or notice as described in subdivision
3 (9)(b) of this section shall be guilty of a Class II misdemeanor.

4 (5)(a) Fees to cover costs associated with the filing of a petition
5 for a harassment protection order or the issuance or service of a
6 harassment protection order seeking only the relief provided by this
7 section shall not be charged, except that a court may assess such fees
8 and costs if the court finds, by clear and convincing evidence, that the
9 statements contained in the petition were false and that the harassment
10 protection order was sought in bad faith.

11 (b) A court may also assess costs associated with the filing of a
12 petition for a harassment protection order or the issuance or service of
13 a harassment protection order seeking only the relief provided by this
14 section against the respondent.

15 (6) The clerk of the district court shall make available standard
16 application and affidavit forms for a harassment protection order with
17 instructions for completion to be used by a petitioner. Affidavit forms
18 shall request all relevant information, including, but not limited to: A
19 description of the incidents that are the basis for the application for a
20 harassment protection order, including the most severe incident, and the
21 date or approximate date of such incidents. The clerk and his or her
22 employees shall not provide assistance in completing the forms. The State
23 Court Administrator shall adopt and promulgate the standard application
24 and affidavit forms provided for in this section as well as the standard
25 temporary ex parte and final harassment protection order forms and
26 provide a copy of such forms to all clerks of the district courts in this
27 state. These standard temporary ex parte and final harassment protection
28 order forms shall be the only such forms used in this state.

29 (7) Any order issued under subsection (1) of this section may be
30 issued ex parte without notice to the respondent if it reasonably appears
31 from the specific facts shown by affidavit of the petitioner that

1 irreparable harm, loss, or damage will result before the matter can be
2 heard on notice. If the specific facts included in the affidavit (a) do
3 not show that the petitioner will suffer irreparable harm, loss, or
4 damage or (b) show that, for any other compelling reason, an ex parte
5 order should not be issued, the court may forthwith cause notice of the
6 application to be given to the respondent stating that he or she may show
7 cause, not more than fourteen days after service, why such order should
8 not be entered. Any notice provided to the respondent shall include
9 notification that a court may treat a petition for a harassment
10 protection order as a petition for a sexual assault protection order or a
11 domestic abuse protection order if it appears from the facts that such
12 other protection order is more appropriate and that the respondent shall
13 have an opportunity to show cause as to why such protection order should
14 not be entered. If such ex parte order is issued without notice to the
15 respondent, the court shall forthwith cause notice of the petition and
16 order and a form with which to request a show-cause hearing to be given
17 the respondent stating that, upon service on the respondent, the order
18 shall remain in effect for a period of one year unless the respondent
19 shows cause why the order should not remain in effect for a period of one
20 year. If the respondent wishes to appear and show cause why the order
21 should not remain in effect for a period of one year, he or she shall
22 affix his or her current address, telephone number, and signature to the
23 form and return it to the clerk of the district court within ten business
24 days after service upon him or her. Upon receipt of a timely request for
25 a show-cause hearing, the court shall immediately schedule a show-cause
26 hearing to be held within thirty days after the receipt of the request
27 for a show-cause hearing and shall notify the petitioner and respondent
28 of the hearing date. If a petition is dismissed without a hearing, it
29 shall be dismissed without prejudice. The petition and affidavit shall be
30 deemed to have been offered into evidence at any show-cause hearing. The
31 petition and affidavit shall be admitted into evidence unless

1 specifically excluded by the court.

2 (8) A court may treat a petition for a harassment protection order
3 as a petition for a sexual assault protection order or a domestic abuse
4 protection order if it appears from the facts in the petition, affidavit,
5 and evidence presented at a show-cause hearing that such other protection
6 order is more appropriate and if:

7 (a) The court makes specific findings that such other order is more
8 appropriate; or

9 (b) The petitioner has requested the court to so treat the petition.

10 (9)(a) Upon the issuance of any temporary ex parte or final
11 harassment protection order, the clerk of the court shall forthwith
12 provide the petitioner, without charge, with two certified copies of such
13 order. The clerk of the court shall also forthwith provide the ~~local~~
14 ~~police department or~~ local law enforcement agency and the local sheriff's
15 office, without charge, with one copy each of such order and one copy
16 each of the sheriff's return thereon. The clerk of the court shall also
17 forthwith provide a copy of the harassment protection order to the
18 sheriff's office in the county where the respondent may be personally
19 served together with instructions for service. Upon receipt of the order
20 and instructions for service, such sheriff's office shall forthwith serve
21 the harassment protection order upon the respondent and file its return
22 thereon with the clerk of the court which issued the harassment
23 protection order within fourteen days of the issuance of the harassment
24 protection order. If any harassment protection order is dismissed or
25 modified by the court, the clerk of the court shall forthwith provide the
26 ~~local police department or~~ local law enforcement agency and the local
27 sheriff's office, without charge, with one copy each of the order of
28 dismissal or modification.

29 (b) If the respondent is present at a hearing convened pursuant to
30 this section and the harassment protection order is not dismissed, such
31 respondent shall be deemed to have notice by the court at such hearing

1 that the harassment protection order will be granted and remain in effect
2 and further service of such notice described in this subsection shall not
3 be required for purposes of prosecution under this section.

4 (c) A temporary ex parte harassment protection order shall be
5 affirmed and deemed the final protection order and service of the
6 temporary ex parte order shall be notice of the final protection order if
7 the respondent has been properly served with the ex parte order and:

8 (i) The respondent fails to request a show-cause hearing within ten
9 business days after service upon him or her and no hearing was requested
10 by the petitioner or upon the court's own motion;

11 (ii) The respondent has been properly served with notice of any
12 hearing requested by the respondent or petitioner or upon the court's own
13 motion and the respondent fails to appear at such hearing; or

14 (iii) The respondent has been properly served with notice of any
15 hearing requested by the respondent, the petitioner, or upon the court's
16 own motion and the protection order was not dismissed at the hearing.

17 (10) A peace officer may, with or without a warrant, arrest a person
18 if (a) the officer has probable cause to believe that the person has
19 committed a violation of a harassment protection order issued pursuant to
20 this section or a violation of a valid foreign harassment protection
21 order recognized pursuant to section 28-311.10 and (b) a petitioner under
22 this section provides the peace officer with a copy of a harassment
23 protection order or the peace officer determines that such an order
24 exists after communicating with the local law enforcement agency or a
25 person protected under a valid foreign harassment protection order
26 recognized pursuant to section 28-311.10 provides the peace officer with
27 a copy of such order.

28 (11) A peace officer making an arrest pursuant to subsection (10) of
29 this section shall take such person into custody and take such person
30 before the county court or the court which issued the harassment
31 protection order within a reasonable time. At such time the court shall

1 establish the conditions of such person's release from custody, including
2 the determination of bond or recognizance, as the case may be. The court
3 shall issue an order directing that such person shall have no contact
4 with the alleged victim of the harassment.

5 (12) When provided by the petitioner, the court shall make
6 confidential numeric victim identification information, including social
7 security numbers and dates of birth, available to appropriate criminal
8 justice agencies engaged in protection order enforcement efforts. Such
9 agencies shall maintain the confidentiality of this information except
10 for entry into state and federal databases for protection order
11 enforcement.

12 (13) For purposes of this section, local law enforcement agency
13 means a local police department, a University of Nebraska police
14 department, or any other local law enforcement agency.

15 Sec. 6. Section 28-311.11, Revised Statutes Cumulative Supplement,
16 2022, is amended to read:

17 28-311.11 (1) Any victim of a sexual assault offense may file a
18 petition and affidavit for a sexual assault protection order as provided
19 in subsection (3) of this section. Upon the filing of such a petition and
20 affidavit in support thereof, the court may issue a sexual assault
21 protection order without bond enjoining the respondent from (a) imposing
22 any restraint upon the person or liberty of the petitioner, (b)
23 harassing, threatening, assaulting, molesting, attacking, or otherwise
24 disturbing the peace of the petitioner, or (c) telephoning, contacting,
25 or otherwise communicating with the petitioner. The sexual assault
26 protection order shall specify to whom relief under this section was
27 granted.

28 (2) The petition for a sexual assault protection order shall state
29 the events and dates or approximate dates of acts constituting the sexual
30 assault offense, including the most recent and most severe incident or
31 incidents.

1 (3) A petition for a sexual assault protection order shall be filed
2 with the clerk of the district court and the proceeding may be heard by
3 the county court or the district court as provided in section 25-2740.

4 (4) A petition for a sexual assault protection order may not be
5 withdrawn except upon order of the court. A sexual assault protection
6 order shall specify that it is effective for a period of one year unless
7 renewed pursuant to subsection (12) of this section or otherwise
8 dismissed or modified by the court. Any person, except the petitioner,
9 who knowingly violates a sexual assault protection order after service or
10 notice as described in subdivision (9)(b) of this section shall be guilty
11 of a Class I misdemeanor, except that any person convicted of violating
12 such order who has a prior conviction for violating a sexual assault
13 protection order shall be guilty of a Class IV felony.

14 (5)(a) Fees to cover costs associated with the filing of a petition
15 for issuance or renewal of a sexual assault protection order or the
16 issuance or service of a sexual assault protection order seeking only the
17 relief provided by this section shall not be charged, except that a court
18 may assess such fees and costs if the court finds, by clear and
19 convincing evidence, that the statements contained in the petition were
20 false and that the sexual assault protection order was sought in bad
21 faith.

22 (b) A court may also assess costs associated with the filing of a
23 petition for issuance or renewal of a sexual assault protection order or
24 the issuance or service of a sexual assault protection order seeking only
25 the relief provided by this section against the respondent.

26 (6) The clerk of the district court shall make available standard
27 application and affidavit forms for issuance and renewal of a sexual
28 assault protection order with instructions for completion to be used by a
29 petitioner. Affidavit forms shall request all relevant information,
30 including, but not limited to: A description of the most recent incident
31 that was the basis for the application for a sexual assault protection

1 order and the date or approximate date of the incident and, if there was
2 more than one incident, the most severe incident and the date or
3 approximate date of such incident. The clerk and his or her employees
4 shall not provide assistance in completing the forms. The State Court
5 Administrator shall adopt and promulgate the standard application and
6 affidavit forms provided for in this section as well as the standard
7 temporary ex parte and final sexual assault protection order forms and
8 provide a copy of such forms to all clerks of the district courts in this
9 state. Such standard temporary ex parte and final sexual assault
10 protection order forms shall be the only forms used in this state.

11 (7) A sexual assault protection order may be issued or renewed ex
12 parte without notice to the respondent if it reasonably appears from the
13 specific facts shown by affidavit of the petitioner that irreparable
14 harm, loss, or damage will result before the matter can be heard on
15 notice. If a sexual assault protection order is not issued ex parte, the
16 court shall immediately schedule an evidentiary hearing to be held within
17 fourteen days after the filing of the petition, and the court shall cause
18 notice of the application to be given to the respondent stating that he
19 or she may show cause why such order should not be entered. Any notice
20 provided to the respondent shall include notification that a court may
21 treat a petition for a sexual assault protection order as a petition for
22 a harassment protection order or a domestic abuse protection order if it
23 appears from the facts that such other protection order is more
24 appropriate and that the respondent shall have an opportunity to show
25 cause as to why such protection order should not be entered. If such ex
26 parte order is issued or renewed without notice to the respondent, the
27 court shall forthwith cause notice of the petition and order and a form
28 with which to request a show-cause hearing to be given the respondent
29 stating that, upon service on the respondent, the order shall remain in
30 effect for a period of one year unless the respondent shows cause why the
31 order should not remain in effect for a period of one year. If the

1 respondent wishes to appear and show cause why the order should not
2 remain in effect for a period of one year, he or she shall affix his or
3 her current address, telephone number, and signature to the form and
4 return it to the clerk of the district court within ten business days
5 after service upon him or her. Upon receipt of a timely request for a
6 show-cause hearing, the court shall immediately schedule a show-cause
7 hearing to be held within thirty days after the receipt of the request
8 for a show-cause hearing and shall notify the petitioner and respondent
9 of the hearing date. The petition and affidavit shall be deemed to have
10 been offered into evidence at any show-cause hearing. The petition and
11 affidavit shall be admitted into evidence unless specifically excluded by
12 the court.

13 (8) A court may treat a petition for a sexual assault protection
14 order as a petition for a harassment protection order or a domestic abuse
15 protection order if it appears from the facts in the petition, affidavit,
16 and evidence presented at a show-cause hearing that such other protection
17 order is more appropriate and if:

18 (a) The court makes specific findings that such other order is more
19 appropriate; or

20 (b) The petitioner has requested the court to so treat the petition.

21 (9)(a) Upon the issuance or renewal of any temporary ex parte or
22 final sexual assault protection order, the clerk of the court shall
23 forthwith provide the petitioner, without charge, with two certified
24 copies of such order. The clerk of the court shall also forthwith provide
25 the ~~local police department~~ or local law enforcement agency and the local
26 sheriff's office, without charge, with one copy each of such order and
27 one copy each of the sheriff's return thereon. The clerk of the court
28 shall also forthwith provide a copy of the sexual assault protection
29 order to the sheriff's office in the county where the respondent may be
30 personally served together with instructions for service. Upon receipt of
31 the order and instructions for service, such sheriff's office shall

1 forthwith serve the sexual assault protection order upon the respondent
2 and file its return thereon with the clerk of the court which issued the
3 sexual assault protection order within fourteen days of the issuance of
4 the initial or renewed sexual assault protection order. If any sexual
5 assault protection order is dismissed or modified by the court, the clerk
6 of the court shall forthwith provide the ~~local police department~~ or local
7 law enforcement agency and the local sheriff's office, without charge,
8 with one copy each of the order of dismissal or modification.

9 (b) If the respondent is present at a hearing convened pursuant to
10 this section and the sexual assault protection order is not dismissed,
11 such respondent shall be deemed to have notice by the court at such
12 hearing that the protection order will be granted and remain in effect
13 and further service of such notice described in this subsection shall not
14 be required for purposes of prosecution under this section.

15 (c) A temporary ex parte sexual assault protection order shall be
16 affirmed and deemed the final protection order and service of the
17 temporary ex parte order shall be notice of the final protection order if
18 the respondent has been properly served with the ex parte order and:

19 (i) The respondent fails to request a show-cause hearing within ten
20 business days after service upon him or her and no hearing was requested
21 by the petitioner or upon the court's own motion;

22 (ii) The respondent has been properly served with notice of any
23 hearing requested by the respondent or petitioner or upon the court's own
24 motion and the respondent fails to appear at such hearing; or

25 (iii) The respondent has been properly served with notice of any
26 hearing requested by the respondent, the petitioner, or upon the court's
27 own motion and the protection order was not dismissed at the hearing.

28 (10) A peace officer shall, with or without a warrant, arrest a
29 person if (a) the officer has probable cause to believe that the person
30 has committed a violation of a sexual assault protection order issued
31 pursuant to this section or a violation of a valid foreign sexual assault

1 protection order recognized pursuant to section 28-311.12 and (b) a
2 petitioner under this section provides the peace officer with a copy of
3 such order or the peace officer determines that such an order exists
4 after communicating with the local law enforcement agency.

5 (11) A peace officer making an arrest pursuant to subsection (10) of
6 this section shall take such person into custody and take such person
7 before the county court or the court which issued the sexual assault
8 protection order within a reasonable time. At such time the court shall
9 establish the conditions of such person's release from custody, including
10 the determination of bond or recognizance, as the case may be. The court
11 shall issue an order directing that such person shall have no contact
12 with the alleged victim of the sexual assault offense.

13 (12)(a) An order issued under subsection (1) of this section may be
14 renewed annually. To request renewal of the order, the petitioner shall
15 file a petition for renewal and affidavit in support thereof at any time
16 within forty-five days prior to the date the order is set to expire,
17 including the date the order expires.

18 (b) A sexual assault protection order may be renewed on the basis of
19 the petitioner's affidavit stating that there has been no material change
20 in relevant circumstances since entry of the order and stating the reason
21 for the requested renewal if:

22 (i) The petitioner seeks no modification of the order; and

23 (ii)(A) The respondent has been properly served with notice of the
24 petition for renewal and notice of hearing and fails to appear at the
25 hearing; or

26 (B) The respondent indicates that he or she does not contest the
27 renewal.

28 (c) The petition for renewal shall state the reasons a renewal is
29 sought and shall be filed with the clerk of the district court, and the
30 proceeding thereon may be heard by the county court or the district court
31 as provided in section 25-2740. A petition for renewal will otherwise be

1 governed in accordance with the procedures set forth in subsections (4)
2 through (11) of this section. The renewed order shall specify that it is
3 effective for one year commencing on the first calendar day after
4 expiration of the previous order or on the calendar day the court grants
5 the renewal if such day is subsequent to the first calendar day after
6 expiration of the previous order.

7 (13) When provided by the petitioner, the court shall make
8 confidential numeric victim identification information, including social
9 security numbers and dates of birth, available to appropriate criminal
10 justice agencies engaged in protection order enforcement efforts. Such
11 agencies shall maintain the confidentiality of this information, except
12 for entry into state and federal databases for protection order
13 enforcement.

14 (14) For purposes of this section:

15 (a) Local law enforcement agency means a local police department, a
16 University of Nebraska police department, or any other local law
17 enforcement agency; and

18 (b) Sexual ~~, sexual~~ assault offense means:

19 (i) ~~(a)~~ Conduct amounting to sexual assault under section 28-319 or
20 28-320, sexual abuse by a school employee under section 28-316.01, sexual
21 assault of a child under section 28-319.01 or 28-320.01, or an attempt to
22 commit any of such offenses; or

23 (ii) ~~(b)~~ Subjecting or attempting to subject another person to
24 sexual contact or sexual penetration without his or her consent, as such
25 terms are defined in section 28-318.

26 Sec. 7. Section 28-322.05, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 28-322.05 (1) For purposes of this section:

29 (a) Detainee means an individual who has been:

30 (i) Arrested by a person;

31 (ii) Detained by a person, regardless of whether the detainee has

1 been arrested or charged; or

2 (iii) Placed into the custody of a person, regardless of whether the
3 detainee has been arrested or charged;

4 (b) Law enforcement agency means an agency or department of this
5 state or of any political subdivision of this state which is responsible
6 for the prevention and detection of crime; the enforcement of the penal,
7 traffic, or highway laws of this state or any political subdivision of
8 this state; and the enforcement of arrest warrants. Law enforcement
9 agency includes a police department, an office of the town marshal, an
10 office of the county sheriff, the Nebraska State Patrol, a University of
11 Nebraska police department, and any department to which a deputy state
12 sheriff is assigned as provided in section 84-106; and

13 (c) Person means an individual:

14 (i) Who is employed by a law enforcement agency, including an
15 individual working under contract with the agency;

16 (ii) To whom the law enforcement agency has authorized or delegated
17 authority to make arrests, to place a detainee in detention or custody,
18 or to otherwise exercise control over a detainee or a detainee's
19 activities; and

20 (iii) Who is not the spouse of a detainee.

21 (2) A person commits the offense of sexual abuse of a detainee if
22 the person engages in sexual penetration or sexual contact with a
23 detainee. It is not a defense to a charge under this section that the
24 detainee consented to such sexual penetration or sexual contact.

25 (3) An otherwise lawful pat-down or body cavity search by a person
26 is not a violation of this section.

27 (4) Any person who engages in sexual penetration with a detainee is
28 guilty of sexual abuse of a detainee in the first degree. Sexual abuse of
29 a detainee in the first degree is a Class IIA felony.

30 (5) Any person who engages in sexual contact with a detainee is
31 guilty of sexual abuse of a detainee in the second degree. Sexual abuse

1 of a detainee in the second degree is a Class IIIA felony.

2 Sec. 8. Section 28-359, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 28-359 Law enforcement agency shall mean the police department or
5 the town marshal in incorporated municipalities, the office of the
6 sheriff in unincorporated areas, a University of Nebraska police
7 department, and the Nebraska State Patrol.

8 Sec. 9. Section 28-470, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:

10 28-470 (1) A health professional who is authorized to prescribe or
11 dispense naloxone, if acting with reasonable care, may prescribe,
12 administer, or dispense naloxone to any of the following persons without
13 being subject to administrative action or criminal prosecution:

14 (a) A person who is apparently experiencing or who is likely to
15 experience an opioid-related overdose; or

16 (b) A family member, friend, or other person in a position to assist
17 a person who is apparently experiencing or who is likely to experience an
18 opioid-related overdose.

19 (2) A family member, friend, or other person who is in a position to
20 assist a person who is apparently experiencing or who is likely to
21 experience an opioid-related overdose, other than an emergency responder
22 or peace officer, is not subject to actions under the Uniform
23 Credentialing Act, administrative action, or criminal prosecution if the
24 person, acting in good faith, obtains naloxone from a health professional
25 or a prescription for naloxone from a health professional and administers
26 the naloxone obtained from the health professional or acquired pursuant
27 to the prescription to a person who is apparently experiencing an opioid-
28 related overdose.

29 (3) An emergency responder who, acting in good faith, obtains
30 naloxone from the emergency responder's emergency medical service
31 organization and administers the naloxone to a person who is apparently

1 experiencing an opioid-related overdose shall not be:

2 (a) Subject to administrative action or criminal prosecution; or

3 (b) Personally liable in any civil action to respond in damages as a
4 result of his or her acts of commission or omission arising out of and in
5 the course of his or her rendering such care or services or arising out
6 of his or her failure to act to provide or arrange for further medical
7 treatment or care for the person who is apparently experiencing an
8 opioid-related overdose, unless the emergency responder caused damage or
9 injury by his or her willful, wanton, or grossly negligent act of
10 commission or omission. This subdivision shall not affect the liability
11 of such emergency medical service organization for the emergency
12 responder's acts of commission or omission.

13 (4) A peace officer or law enforcement employee who, acting in good
14 faith, obtains naloxone from the peace officer's or employee's law
15 enforcement agency and administers the naloxone to a person who is
16 apparently experiencing an opioid-related overdose shall not be:

17 (a) Subject to administrative action or criminal prosecution; or

18 (b) Personally liable in any civil action to respond in damages as a
19 result of his or her acts of commission or omission arising out of and in
20 the course of his or her rendering such care or services or arising out
21 of his or her failure to act to provide or arrange for further medical
22 treatment or care for the person who is apparently experiencing an
23 opioid-related overdose, unless the peace officer or employee caused
24 damage or injury by his or her willful, wanton, or grossly negligent act
25 of commission or omission. This subdivision shall not affect the
26 liability of such law enforcement agency for the peace officer's or
27 employee's acts of commission or omission.

28 (5) For purposes of this section:

29 (a) Administer has the same meaning as in section 38-2806;

30 (b) Dispense has the same meaning as in section 38-2817;

31 (c) Emergency responder means an emergency medical responder, an

1 emergency medical technician, an advanced emergency medical technician,
2 or a paramedic licensed under the Emergency Medical Services Practice Act
3 or practicing pursuant to the EMS Personnel Licensure Interstate Compact;

4 (d) Health professional means a physician, physician assistant,
5 nurse practitioner, or pharmacist licensed under the Uniform
6 Credentialing Act;

7 (e) Law enforcement agency means a police department, a town
8 marshal, the office of sheriff, a University of Nebraska police
9 department, or the Nebraska State Patrol;

10 (f) Law enforcement employee means an employee of a law enforcement
11 agency, a contractor of a law enforcement agency, or an employee of such
12 contractor who regularly, as part of his or her duties, handles,
13 processes, or is likely to come into contact with any evidence or
14 property which may include or contain opioids;

15 (g) Naloxone means naloxone hydrochloride; and

16 (h) Peace officer has the same meaning as in section 49-801.

17 Sec. 10. Section 28-710, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:

19 28-710 (1) Sections 28-710 to 28-727 shall be known and may be cited
20 as the Child Protection and Family Safety Act.

21 (2) For purposes of the Child Protection and Family Safety Act:

22 (a) Alternative response means a comprehensive assessment of (i)
23 child safety, (ii) the risk of future child abuse or neglect, (iii)
24 family strengths and needs, and (iv) the provision of or referral for
25 necessary services and support. Alternative response is an alternative to
26 traditional response and does not include an investigation or a formal
27 determination as to whether child abuse or neglect has occurred, and the
28 subject of the report shall not be entered into the central registry of
29 child protection cases maintained pursuant to section 28-718;

30 (b) Child abuse or neglect means knowingly, intentionally, or
31 negligently causing or permitting a minor child to be:

1 (i) Placed in a situation that endangers his or her life or physical
2 or mental health;

3 (ii) Cruelly confined or cruelly punished;

4 (iii) Deprived of necessary food, clothing, shelter, or care;

5 (iv) Left unattended in a motor vehicle if such minor child is six
6 years of age or younger;

7 (v) Placed in a situation to be sexually abused;

8 (vi) Placed in a situation to be sexually exploited through sex
9 trafficking of a minor as defined in section 28-830 or by allowing,
10 encouraging, or forcing such person to engage in debauchery, public
11 indecency, or obscene or pornographic photography, films, or depictions;
12 or

13 (vii) Placed in a situation to be a trafficking victim as defined in
14 section 28-830;

15 (c) Child advocacy center means a community-based organization that

16 (i) provides an appropriate site for conducting forensic interviews as
17 defined in section 28-728 and referring victims of child abuse or neglect
18 and appropriate caregivers for such victims to needed evaluation,
19 services, and supports, (ii) assists county attorneys in facilitating
20 case reviews, developing and updating protocols, and arranging training
21 opportunities for the teams established pursuant to sections 28-728 and
22 28-729, and (iii) is a member, in good standing, of a state chapter as
23 defined in 34 U.S.C. 20302;

24 (d) Comprehensive assessment means an analysis of child safety, risk
25 of future child abuse or neglect, and family strengths and needs on a
26 report of child abuse or neglect using an evidence-informed and validated
27 tool. Comprehensive assessment does not include a finding as to whether
28 the child abuse or neglect occurred but does determine the need for
29 services and support, if any, to address the safety of children and the
30 risk of future abuse or neglect;

31 (e) Department means the Department of Health and Human Services;

1 (f) Investigation means fact gathering by the department, using an
2 evidence-informed and validated tool, or by law enforcement related to
3 the current safety of a child and the risk of future child abuse or
4 neglect that determines whether child abuse or neglect has occurred and
5 whether child protective services are needed;

6 (g) Kin caregiver means a person with whom a child in foster care
7 has been placed or with whom a child is residing pursuant to a temporary
8 living arrangement in a non-court-involved case, who has previously lived
9 with or is a trusted adult that has a preexisting, significant
10 relationship with the child or with a sibling of such child placed
11 pursuant to section 43-1311.02;

12 (h) Law enforcement agency means the police department or town
13 marshal in incorporated municipalities, the office of the sheriff in
14 unincorporated areas, a University of Nebraska police department, and the
15 Nebraska State Patrol;

16 (i) Non-court-involved case means an ongoing case opened by the
17 department following a report of child abuse or neglect in which the
18 department has determined that ongoing services are required to maintain
19 the safety of a child or alleviate the risk of future abuse or neglect
20 and in which the family voluntarily engages in child protective services
21 without a filing in a juvenile court;

22 (j) Out-of-home child abuse or neglect means child abuse or neglect
23 occurring outside of a child's family home, including in day care homes,
24 foster homes, day care centers, residential child-caring agencies as
25 defined in section 71-1926, other child care facilities or institutions,
26 and the community. Out-of-home child abuse or neglect also includes cases
27 in which the subject of the report of child abuse or neglect is not a
28 member of the child's household, no longer has access to the child, is
29 unknown, or cannot be identified;

30 (k) Relative caregiver means a person with whom a child is placed by
31 the department and who is related to the child, or to a sibling of such

1 child pursuant to section 43-1311.02, by blood, marriage, or adoption or,
2 in the case of an Indian child, is an extended family member as defined
3 in section 43-1503;

4 (l) Report means any communication received by the department or a
5 law enforcement agency pursuant to the Child Protection and Family Safety
6 Act that describes child abuse or neglect and contains sufficient content
7 to identify the child who is the alleged victim of child abuse or
8 neglect;

9 (m) Review, Evaluate, and Decide Team means an internal team of
10 staff within the department and shall include no fewer than two
11 supervisors or administrators and two staff members knowledgeable on the
12 policies and practices of the department, including, but not limited to,
13 the structured review process. County attorneys, child advocacy centers,
14 or law enforcement agency personnel may attend team reviews upon request
15 of a party;

16 (n) School employee means a person nineteen years of age or older
17 who is employed by a public, private, denominational, or parochial school
18 approved or accredited by the State Department of Education;

19 (o) Student means a person less than nineteen years of age enrolled
20 in or attending a public, private, denominational, or parochial school
21 approved or accredited by the State Department of Education, or who was
22 such a person enrolled in or who attended such a school within ninety
23 days of any violation of section 28-316.01;

24 (p) Traditional response means an investigation by a law enforcement
25 agency or the department pursuant to section 28-713 which requires a
26 formal determination of whether child abuse or neglect has occurred; and

27 (q) Subject of the report of child abuse or neglect or subject of
28 the report means the person or persons identified in the report as
29 responsible for the child abuse or neglect.

30 Sec. 11. Section 28-1008, Revised Statutes Cumulative Supplement,
31 2022, is amended to read:

1 28-1008 For purposes of sections 28-1008 to 28-1017, 28-1019, and
2 28-1020:

3 (1) Abandon means to leave any animal in one's care, whether as
4 owner or custodian, for any length of time without making effective
5 provision for its food, water, or other care as is reasonably necessary
6 for the animal's health;

7 (2) Animal means any vertebrate member of the animal kingdom. Animal
8 does not include an uncaptured wild creature or a livestock animal as
9 defined in section 54-902;

10 (3) Cruelly mistreat means to knowingly and intentionally kill,
11 maim, disfigure, torture, beat, kick, hit, strike in any manner,
12 mutilate, burn, scald, or otherwise inflict harm upon any animal;

13 (4) Cruelly neglect means to fail to provide any animal in one's
14 care, whether as owner or custodian, with food, water, or other care as
15 is reasonably necessary for the animal's health;

16 (5) Humane killing means the destruction of an animal by a method
17 which causes the animal a minimum of pain and suffering;

18 (6) Law enforcement officer means any member of the Nebraska State
19 Patrol, any county or deputy sheriff, any member of the police force of
20 any city or village, any University of Nebraska police officer, or any
21 other public official authorized by a city or village to enforce state or
22 local animal control laws, rules, regulations, or ordinances. Law
23 enforcement officer also includes a special investigator appointed as a
24 deputy state sheriff as authorized pursuant to section 81-201 while
25 acting within the authority of the Director of Agriculture under the
26 Commercial Dog and Cat Operator Inspection Act;

27 (7) Mutilation means intentionally causing permanent injury,
28 disfigurement, degradation of function, incapacitation, or imperfection
29 to an animal. Mutilation does not include conduct performed by a
30 veterinarian licensed to practice veterinary medicine and surgery in this
31 state or conduct that conforms to accepted veterinary practices;

1 (8) Owner or custodian means any person owning, keeping, possessing,
2 harboring, or knowingly permitting an animal to remain on or about any
3 premises owned or occupied by such person;

4 (9) Police animal means a horse or dog owned or controlled by the
5 State of Nebraska or any county, city, or village for the purpose of
6 assisting a law enforcement officer in the performance of his or her
7 official enforcement duties;

8 (10) Repeated beating means intentional successive strikes to an
9 animal by a person resulting in serious injury or illness or death to the
10 animal;

11 (11) Serious injury or illness includes any injury or illness to any
12 animal which creates a substantial risk of death or which causes broken
13 bones, prolonged impairment of health, or prolonged loss or impairment of
14 the function of any bodily organ; and

15 (12) Torture means intentionally subjecting an animal to extreme
16 pain, suffering, or agony. Torture does not include conduct performed by
17 a veterinarian licensed to practice veterinary medicine and surgery in
18 this state or conduct that conforms to accepted veterinary practices.

19 Sec. 12. Section 29-209, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 29-209 It is hereby made the duty of the sheriffs of the several
22 counties of the State of Nebraska, the chiefs of police of incorporated
23 cities therein, marshals of incorporated cities and towns therein, any
24 chief of police of a University of Nebraska police department, and
25 agencies of state government having powers of arrest to furnish the
26 Nebraska State Patrol two copies of fingerprints on forms provided by the
27 Nebraska State Patrol and the Federal Bureau of Investigation, and
28 descriptions of all persons who are arrested by them (1) for any felony
29 or (2) as felony fugitives from the criminal justice system of another
30 jurisdiction. This section is not intended to include violators of city
31 ordinances or of persons arrested for other trifling offenses. The

1 Nebraska State Patrol shall in all appropriate cases forward one copy of
2 such fingerprints and other necessary identifying data and information to
3 the system maintained by the Federal Bureau of Investigation.

4 Sec. 13. Section 29-215, Revised Statutes Cumulative Supplement,
5 2022, is amended to read:

6 29-215 (1) A law enforcement officer has the power and authority to
7 enforce the laws of this state and of the political subdivision which
8 employs the law enforcement officer or otherwise perform the functions of
9 that office anywhere within his or her primary jurisdiction.

10 (2) Any law enforcement officer who is within this state, but beyond
11 his or her primary jurisdiction, has the power and authority to enforce
12 the laws of this state or any legal ordinance of any city or incorporated
13 village or otherwise perform the functions of his or her office,
14 including the authority to arrest and detain suspects, as if enforcing
15 the laws or performing the functions within his or her primary
16 jurisdiction in the following cases:

17 (a) Any such law enforcement officer, if in a fresh attempt to
18 apprehend a person suspected of committing a felony, may follow such
19 person into any other jurisdiction in this state and there arrest and
20 detain such person and return such person to the law enforcement
21 officer's primary jurisdiction;

22 (b) Any such law enforcement officer, if in a fresh attempt to
23 apprehend a person suspected of committing a misdemeanor or a traffic
24 infraction, may follow such person anywhere in an area within twenty-five
25 miles of the boundaries of the law enforcement officer's primary
26 jurisdiction and there arrest and detain such person and return such
27 person to the law enforcement officer's primary jurisdiction;

28 (c) Any such law enforcement officer shall have such enforcement and
29 arrest and detention authority when responding to a call in which a
30 local, state, or federal law enforcement officer is in need of
31 assistance. A law enforcement officer in need of assistance shall mean

1 (i) a law enforcement officer whose life is in danger or (ii) a law
2 enforcement officer who needs assistance in making an arrest and the
3 suspect (A) will not be apprehended unless immediately arrested, (B) may
4 cause injury to himself or herself or others or damage to property unless
5 immediately arrested, or (C) may destroy or conceal evidence of the
6 commission of a crime; and

7 (d) Any municipality, ~~or county,~~ or University of Nebraska police
8 department may, under the provisions of the Interlocal Cooperation Act or
9 the Joint Public Agency Act, enter into a contract with any other of such
10 entities ~~municipality or county~~ for law enforcement services or joint law
11 enforcement services. Under such an agreement, law enforcement personnel
12 may have such enforcement authority within the jurisdiction of each of
13 the participating entities ~~political subdivisions~~ if provided for in the
14 agreement. Unless otherwise provided in the agreement, each participating
15 entity ~~political subdivision~~ shall provide liability insurance coverage
16 for its own law enforcement personnel as provided in section 13-1802.

17 (3) When probable cause exists to believe that a person is operating
18 or in the actual physical control of any motor vehicle, motorboat,
19 personal watercraft, or aircraft while under the influence of alcoholic
20 liquor or of any drug or otherwise in violation of section 28-1465,
21 28-1466, 28-1472, 37-1254.01, 37-1254.02, 60-4,163, 60-4,164, 60-6,196,
22 60-6,197, 60-6,211.01, or 60-6,211.02, the law enforcement officer has
23 the power and authority to do any of the following or any combination
24 thereof:

25 (a) Transport such person to a facility outside of the law
26 enforcement officer's primary jurisdiction for appropriate chemical
27 testing of the person;

28 (b) Administer outside of the law enforcement officer's primary
29 jurisdiction any post-arrest test advisement to the person; or

30 (c) With respect to such person, perform other procedures or
31 functions outside of the law enforcement officer's primary jurisdiction

1 which are directly and solely related to enforcing the laws that concern
2 a person operating or being in the actual physical control of any motor
3 vehicle, motorboat, personal watercraft, or aircraft while under the
4 influence of alcoholic liquor or of any other drug or otherwise in
5 violation of section 28-1465, 28-1466, 28-1472, 37-1254.01, 37-1254.02,
6 60-4,163, 60-4,164, 60-6,196, 60-6,197, 60-6,211.01, or 60-6,211.02.

7 (4) For purposes of this section:

8 (a) Class I railroad has the same meaning as in section 81-1401;

9 (b) Law enforcement officer has the same meaning as peace officer as
10 defined in section 49-801 and also includes conservation officers of the
11 Game and Parks Commission and Class I railroad police officers; and

12 (c) Primary jurisdiction means the geographic area within the
13 territorial limits of the state or political subdivision which employs
14 the law enforcement officer or as otherwise provided in section 34 of
15 this act.

16 Sec. 14. Section 29-406, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 29-406 The warrant shall be directed to the sheriff of the county,
19 ~~or~~ to the marshal or other police officer of a city or village, or to a
20 University of Nebraska police officer and, reciting the substance of the
21 accusation, shall command the officer to take the accused and bring him
22 or her before the magistrate or court issuing the warrant or some other
23 magistrate having cognizance of the case to be dealt with according to
24 law. No seal shall be necessary to the validity of the warrant.

25 Sec. 15. Section 29-4103, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 29-4103 For purposes of the DNA Identification Information Act:

28 (1) Combined DNA Index System means the Federal Bureau of
29 Investigation's national DNA identification index system that allows the
30 storage and exchange of DNA records submitted by state and local forensic
31 DNA laboratories;

1 (2) DNA means deoxyribonucleic acid which is located in the cells
2 and provides an individual's personal genetic blueprint. DNA encodes
3 genetic information that is the basis of human heredity and forensic
4 identification;

5 (3) DNA record means the DNA identification information stored in
6 the State DNA Database or the Combined DNA Index System which is derived
7 from DNA typing test results;

8 (4) DNA sample means a blood, tissue, or bodily fluid sample
9 provided by any person covered by the DNA Identification Information Act
10 for analysis or storage, or both;

11 (5) DNA typing tests means the laboratory procedures which evaluate
12 the characteristics of a DNA sample which are of value in establishing
13 the identity of an individual;

14 (6) Law enforcement agency includes a police department, a town
15 marshal, a county sheriff, a University of Nebraska police department,
16 and the Nebraska State Patrol;

17 (7) Other specified offense means misdemeanor stalking pursuant to
18 sections 28-311.02 to 28-311.05 or false imprisonment in the second
19 degree pursuant to section 28-315 or an attempt, conspiracy, or
20 solicitation to commit stalking pursuant to sections 28-311.02 to
21 28-311.05, false imprisonment in the first degree pursuant to section
22 28-314, false imprisonment in the second degree pursuant to section
23 28-315, knowing and intentional sexual abuse of a vulnerable adult or
24 senior adult pursuant to subdivision (1)(c) of section 28-386, or a
25 violation of the Sex Offender Registration Act pursuant to section
26 29-4011; and

27 (8) Released means any release, parole, furlough, work release,
28 prerelease, or release in any other manner from a prison, a jail, or any
29 other detention facility or institution.

30 Sec. 16. Section 29-4502, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 29-4502 For purposes of sections 29-4501 to 29-4508:

2 (1) Custodial interrogation has the meaning prescribed to it under
3 the Fourth and Fifth Amendments to the Constitution of the United States
4 and Article I, sections 3 and 7, of the Constitution of Nebraska, as
5 interpreted by the United States Supreme Court and the Nebraska Supreme
6 Court;

7 (2) Electronically record means to record using an audio recording
8 device, a digital recording device, or a video recording device;

9 (3) Place of detention means a police station, sheriff's office,
10 University of Nebraska police department, troop headquarters, courthouse,
11 county attorney's office, juvenile or adult correctional or holding
12 facility, community correctional center, or building under the permanent
13 control of law enforcement at which the person is in custody pursuant to
14 the authority of a law enforcement officer; and

15 (4) Reasonable exception means circumstances in which:

16 (a) A statement was made when it was not practicable to
17 electronically record the statement;

18 (b) Equipment to electronically record the statement could not be
19 reasonably obtained;

20 (c) The person in custody refused to have the statement
21 electronically recorded;

22 (d) The equipment used to electronically record the statement
23 malfunctioned; or

24 (e) The law enforcement officer conducting the statement reasonably
25 believed that the crime for which the person was taken into custody was
26 not a crime described in subsection (2) of section 29-4503.

27 Sec. 17. Section 42-903, Revised Statutes Cumulative Supplement,
28 2022, is amended to read:

29 42-903 For purposes of the Protection from Domestic Abuse Act,
30 unless the context otherwise requires:

31 (1) Abuse means the occurrence of one or more of the following acts

1 between family or household members:

2 (a) Attempting to cause or intentionally and knowingly causing
3 bodily injury with or without a dangerous instrument;

4 (b) Placing, by means of credible threat, another person in fear of
5 bodily injury. For purposes of this subdivision, credible threat means a
6 verbal or written threat, including a threat performed through the use of
7 an electronic communication device, or a threat implied by a pattern of
8 conduct or a combination of verbal, written, or electronically
9 communicated statements and conduct that is made by a person with the
10 apparent ability to carry out the threat so as to cause the person who is
11 the target of the threat to reasonably fear for his or her safety or the
12 safety of his or her family. It is not necessary to prove that the person
13 making the threat had the intent to actually carry out the threat. The
14 present incarceration of the person making the threat shall not prevent
15 the threat from being deemed a credible threat under this section; or

16 (c) Engaging in sexual contact or sexual penetration without consent
17 as defined in section 28-318;

18 (2) Department means the Department of Health and Human Services;

19 (3) Family or household members includes spouses or former spouses,
20 children, persons who are presently residing together or who have resided
21 together in the past, persons who have a child in common whether or not
22 they have been married or have lived together at any time, other persons
23 related by consanguinity or affinity, and persons who are presently
24 involved in a dating relationship with each other or who have been
25 involved in a dating relationship with each other. For purposes of this
26 subdivision, dating relationship means frequent, intimate associations
27 primarily characterized by the expectation of affectional or sexual
28 involvement, but does not include a casual relationship or an ordinary
29 association between persons in a business or social context; and

30 (4) Law enforcement agency means the police department or town
31 marshal in incorporated municipalities, the office of the sheriff in

1 unincorporated areas, a University of Nebraska police department, and the
2 Nebraska State Patrol.

3 Sec. 18. Section 44-3,134, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 44-3,134 As used in sections 44-3,134 to 44-3,142, unless the
6 context otherwise requires:

7 (1) Authorized agency shall mean the Nebraska State Patrol, a local
8 governmental police department, a University of Nebraska police
9 department, a county sheriff's office, a county attorney, a municipal
10 attorney, a United States district attorney, a duly constituted criminal
11 investigative agency of the United States Government, and the office of
12 the Nebraska Attorney General;

13 (2) Insurer shall mean any insurance company, adjustor, or agent;
14 and

15 (3) Relevant shall mean having a tendency to make the existence of
16 any information that is of consequence to an investigation of motor
17 vehicle theft or motor vehicle insurance fraud or a determination of such
18 issue more probable or less probable than it would be without such
19 information.

20 Sec. 19. Section 48-101.01, Revised Statutes Cumulative Supplement,
21 2022, is amended to read:

22 48-101.01 (1) The Legislature finds and declares:

23 (a) The occupations of first responders are recognized as stressful
24 occupations. Only our nation's combat soldiers endure more stress.
25 Similar to military personnel, first responders face unique and uniquely
26 dangerous risks in their sworn mission to keep the public safe. They rely
27 on each other for survival to protect the communities they serve;

28 (b) On any given day, first responders can be called on to make life
29 and death decisions, witness a young child dying with the child's grief-
30 stricken family, make a decision that will affect a community member for
31 the rest of such person's life, or be exposed to a myriad of communicable

1 diseases and known carcinogens;

2 (c) On any given day, first responders protect high-risk individuals
3 from themselves and protect the community from such individuals;

4 (d) First responders are constantly at significant risk of bodily
5 harm or physical assault while they perform their duties;

6 (e) Constant, cumulative exposure to horrific events make first
7 responders uniquely susceptible to the emotional and behavioral impacts
8 of job-related stressors;

9 (f) Trauma-related injuries can become overwhelming and manifest in
10 post-traumatic stress, which may result in substance use disorders and
11 even, tragically, suicide; and

12 (g) It is imperative for society to recognize occupational injuries
13 related to post-traumatic stress and to promptly seek diagnosis and
14 treatment without stigma. This includes recognizing that mental injury
15 and mental illness as a result of trauma is not disordered, but is a
16 normal and natural human response to trauma, the negative effects of
17 which can be ameliorated through diagnosis and effective treatment.

18 (2) Personal injury includes mental injuries and mental illness
19 unaccompanied by physical injury for an employee who is a first
20 responder, frontline state employee, or county correctional officer if
21 such employee:

22 (a) Establishes that the employee's employment conditions causing
23 the mental injury or mental illness were extraordinary and unusual in
24 comparison to the normal conditions of the particular employment; and

25 (b) Establishes, through a mental health professional, the medical
26 causation between the mental injury or mental illness and the employment
27 conditions by medical evidence.

28 (3) The employee bears the burden of establishing the matters
29 described in subsection (2) of this section by a preponderance of the
30 evidence.

31 (4) Until January 1, 2028, a first responder may establish prima

1 facie evidence of a personal injury that is a mental injury or mental
2 illness if the first responder:

3 (a) Presents evidence that the first responder underwent a mental
4 health examination by a mental health professional upon entry into such
5 service or subsequent to such entry and before the onset of the mental
6 injury or mental illness and such examination did not reveal the mental
7 injury or mental illness for which the first responder seeks
8 compensation;

9 (b) Presents testimony or an affidavit from a mental health
10 professional stating the first responder suffers from a mental injury or
11 mental illness caused by one or more events or series of events which
12 cumulatively produced the mental injury or mental illness which brought
13 about the need for medical attention and the interruption of employment;

14 (c) Presents evidence that such events or series of events arose out
15 of and in the course of the first responder's employment; and

16 (d) Presents evidence that, prior to the employment conditions which
17 caused the mental injury or mental illness, the first responder had
18 participated in resilience training and updated the training at least
19 annually thereafter.

20 (5) For purposes of this section, mental injuries and mental illness
21 arising out of and in the course of employment unaccompanied by physical
22 injury are not considered compensable if they result from any event or
23 series of events which are incidental to normal employer and employee
24 relations, including, but not limited to, personnel actions by the
25 employer such as disciplinary actions, work evaluations, transfers,
26 promotions, demotions, salary reviews, or terminations.

27 (6)(a) The Department of Health and Human Services shall reimburse a
28 first responder for the cost of annual resilience training not reimbursed
29 by the first responder's employer. The department shall pay reimbursement
30 at a rate determined by the Critical Incident Stress Management Program
31 under section 71-7104. Reimbursement shall be subject to the annual limit

1 set by such program under section 71-7104.

2 (b) To obtain reimbursement under this subsection, a first responder
3 shall submit an application to the Department of Health and Human
4 Services on a form and in a manner prescribed by the department.

5 (7) The Department of Health and Human Services shall maintain and
6 annually update records of first responders who have completed annual
7 resilience training.

8 (8) For purposes of this section:

9 (a) County correctional officer means a correctional officer
10 employed by a high-population county whose:

11 (i) Position obligates such employee to maintain order and custody
12 of inmates in a county jail; and

13 (ii) Duties involve regular and direct interaction with high-risk
14 individuals;

15 (b) Custody means:

16 (i) Under the charge or control of a state institution or state
17 agency and includes time spent outside of the state institution or state
18 agency; or

19 (ii) In the custody of a county jail in a high-population county or
20 in the process of being placed in the custody of a county jail in a high-
21 population county;

22 (c) First responder means a sheriff, a deputy sheriff, a police
23 officer, an officer of the Nebraska State Patrol, a University of
24 Nebraska police officer, a volunteer or paid firefighter, or a volunteer
25 or paid individual licensed under a licensure classification in
26 subdivision (1) of section 38-1217 who provides medical care in order to
27 prevent loss of life or aggravation of physiological or psychological
28 illness or injury;

29 (d) Frontline state employee means an employee of the Department of
30 Correctional Services or the Department of Health and Human Services
31 whose duties involve regular and direct interaction with high-risk

1 individuals;

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

6 (f) High-risk individual means an individual in custody for whom
7 violent or physically intimidating behavior is common, including, but not
8 limited to, a committed offender as defined in section 83-170, a patient
9 at a regional center as defined in section 71-911, a juvenile committed
10 to a youth rehabilitation and treatment center, and a person in the
11 custody of a county jail in a high-population county or in the process of
12 being placed in the custody of a county jail in a high-population county;

13 (g) Mental health professional means:

14 (i) A practicing physician licensed to practice medicine in this
15 state under the Medicine and Surgery Practice Act;

16 (ii) A practicing psychologist licensed to engage in the practice of
17 psychology in this state as provided in section 38-3111 or as provided in
18 similar provisions of the Psychology Interjurisdictional Compact;

19 (iii) A person licensed as an independent mental health practitioner
20 under the Mental Health Practice Act; or

21 (iv) A professional counselor who holds a privilege to practice in
22 Nebraska as a professional counselor under the Licensed Professional
23 Counselors Interstate Compact; and

24 (h) Resilience training means training that meets the guidelines
25 established by the Critical Incident Stress Management Program under
26 section 71-7104 and that teaches how to adapt to, manage, and recover
27 from adversity, trauma, tragedy, threats, or significant sources of
28 stress.

29 (9) All other provisions of the Nebraska Workers' Compensation Act
30 apply to this section.

31 Sec. 20. Section 48-202, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 48-202 (1) Except as otherwise provided in this section, a public
3 employer shall not ask an applicant for employment to disclose, orally or
4 in writing, information concerning the applicant's criminal record or
5 history, including any inquiry on any employment application, until the
6 public employer has determined the applicant meets the minimum employment
7 qualifications.

8 (2) This section does not apply to any law enforcement agency, to
9 any position for which a public employer is required by federal or state
10 law to conduct a criminal history record information check, or to any
11 position for which federal or state law specifically disqualifies an
12 applicant with a criminal background.

13 (3)(a) This section does not prevent a public employer that is a
14 school district or educational service unit from requiring an applicant
15 for employment to disclose an applicant's criminal record or history
16 relating to sexual or physical abuse.

17 (b) This section does not prevent a public employer from preparing
18 or delivering an employment application that conspicuously states that a
19 criminal history record information check is required by federal law,
20 state law, or the employer's policy.

21 (c) This section does not prevent a public employer from conducting
22 a criminal history record information check after the public employer has
23 determined that the applicant meets the minimum employment
24 qualifications.

25 (4) For purposes of this section:

26 (a) Law enforcement agency means an agency or department of this
27 state or of any political subdivision of this state which is responsible
28 for the prevention and detection of crime, the enforcement of the penal,
29 traffic, or highway laws of this state or any political subdivision of
30 this state, and the enforcement of arrest warrants. Law enforcement
31 agency includes a police department, an office of the town marshal, an

1 office of the county sheriff, a University of Nebraska police department,
2 the Nebraska State Patrol, and any department to which a deputy state
3 sheriff is assigned as provided in section 84-106; and

4 (b) Public employer means an agency or department of this state or
5 of any political subdivision of this state.

6 Sec. 21. Section 48-1108, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 48-1108 Notwithstanding any other provision of the Nebraska Fair
9 Employment Practice Act:

10 (1) It shall not be an unlawful employment practice for an employer
11 to hire and employ employees, for an employment agency to classify or
12 refer for employment any individual, for a labor organization to classify
13 its membership or to classify or refer for employment any individual, or
14 for an employer, labor organization, or joint labor-management committee
15 controlling apprenticeship or other training or retraining programs to
16 admit or employ any individual in any such program on the basis of
17 religion, sex, disability, marital status, or national origin in those
18 certain instances when religion, sex, disability, marital status, or
19 national origin is a bona fide occupational qualification reasonably
20 necessary to the normal operation of that particular business or
21 enterprise;

22 (2) It shall not be an unlawful employment practice for a school,
23 college, university, or other educational institution or institution of
24 learning to hire and employ employees of a particular religion if such
25 school, college, university, or other educational institution or
26 institution of learning is, in whole or in substantial part, owned,
27 supported, controlled, or managed by a particular religion or by a
28 particular religious corporation, association, or society or if the
29 curriculum of such school, college, university, or other educational
30 institution of learning is directed toward the propagation of a
31 particular religion;

1 (3) It shall not be an unlawful employment practice for an employer
2 to enact any bona fide health and safety standard that regulates
3 characteristics associated with race if the employer demonstrates that:

4 (a) Without the implementation of such standard, it is reasonably
5 certain that the health and safety of the applicant, employee, or other
6 materially connected person will be impaired;

7 (b) The standard is adopted for nondiscriminatory reasons;

8 (c) The standard is applied equally; and

9 (d) The employer has engaged in good faith efforts to reasonably
10 accommodate the applicant or employee; and

11 (4) It shall not be an unlawful employment practice for the Nebraska
12 State Patrol, a county sheriff, a city or village police department, a
13 University of Nebraska police department, or any other law enforcement
14 agency in this state or the Nebraska National Guard to impose its own
15 dress and grooming standards.

16 Sec. 22. Section 49-801, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 49-801 Unless the context is shown to intend otherwise, words and
19 phrases in the statutes of Nebraska hereafter enacted are used in the
20 following sense:

21 (1) Acquire when used in connection with a grant of power or
22 property right to any person shall include the purchase, grant, gift,
23 devise, bequest, and obtaining by eminent domain;

24 (2) Action shall include any proceeding in any court of this state;

25 (3) Attorney shall mean attorney at law;

26 (4) Company shall include any corporation, partnership, limited
27 liability company, joint-stock company, joint venture, or association;

28 (5) Domestic when applied to corporations shall mean all those
29 created by authority of this state;

30 (6) Federal shall refer to the United States;

31 (7) Foreign when applied to corporations shall include all those

1 created by authority other than that of this state;

2 (8) Grantee shall include every person to whom any estate or
3 interest passes in or by any conveyance;

4 (9) Grantor shall include every person from or by whom any estate or
5 interest passes in or by any conveyance;

6 (10) Inhabitant shall be construed to mean a resident in the
7 particular locality in reference to which that word is used;

8 (11) Land or real estate shall include lands, tenements, and
9 hereditaments and all rights thereto and interest therein other than a
10 chattel interest;

11 (12) Magistrate shall include judge of the county court and clerk
12 magistrate;

13 (13) Month shall mean calendar month;

14 (14) Oath shall include affirmation in all cases in which an
15 affirmation may be substituted for an oath;

16 (15) Peace officer shall include sheriffs, coroners, jailers,
17 marshals, police officers, University of Nebraska police officers, state
18 highway patrol officers, members of the National Guard on active service
19 by direction of the Governor during periods of emergency, and all other
20 persons with similar authority to make arrests;

21 (16) Person shall include bodies politic and corporate, societies,
22 communities, the public generally, individuals, partnerships, limited
23 liability companies, joint-stock companies, and associations;

24 (17) Personal estate shall include money, goods, chattels, claims,
25 and evidences of debt;

26 (18) Process shall mean a summons, subpoena, or notice to appear
27 issued out of a court in the course of judicial proceedings;

28 (19) Service animal shall have the same meaning as in 28 C.F.R.
29 36.104, as such regulation existed on January 1, 2008;

30 (20) State when applied to different states of the United States
31 shall be construed to extend to and include the District of Columbia and

1 the several territories organized by Congress;

2 (21) Sworn shall include affirmed in all cases in which an
3 affirmation may be substituted for an oath;

4 (22) The United States shall include territories, outlying
5 possessions, and the District of Columbia;

6 (23) Violate shall include failure to comply with;

7 (24) Writ shall signify an order or citation in writing issued in
8 the name of the state out of a court or by a judicial officer; and

9 (25) Year shall mean calendar year.

10 Sec. 23. Section 53-1,121, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 53-1,121 (1) A law enforcement officer ~~City police, county sheriffs,~~
13 ~~officers of the Nebraska State Patrol, and any other such law enforcement~~
14 ~~officer with power to arrest for traffic violations~~ may take a person who
15 is intoxicated and in the judgment of the officer dangerous to himself,
16 herself, or others, or who is otherwise incapacitated, from any public or
17 quasi-public property. An officer removing an intoxicated person from
18 public or quasi-public property shall make a reasonable effort to take
19 such intoxicated person to his or her home or to place such person in any
20 hospital, clinic, or mental health substance use treatment center or with
21 a medical doctor as may be necessary to preserve life or to prevent
22 injury. Such effort at placement shall be deemed reasonable if the
23 officer contacts those facilities or doctors which have previously
24 represented a willingness to accept and treat such individuals and which
25 regularly do accept such individuals. If such efforts are unsuccessful or
26 are not feasible, the officer may then place such intoxicated person in
27 civil protective custody, except that civil protective custody shall be
28 used only as long as is necessary to preserve life or to prevent injury,
29 and under no circumstances for longer than twenty-four hours.

30 (2) The placement of such person in civil protective custody shall
31 be recorded at the facility or jail to which he or she is delivered and

1 communicated to his or her family or next of kin, if they can be located,
2 or to such person designated by the person taken into civil protective
3 custody.

4 (3) The law enforcement officer who acts in compliance with this
5 section shall be deemed to be acting in the course of his or her official
6 duty and shall not be criminally or civilly liable for such actions.

7 (4) The taking of an individual into civil protective custody under
8 this section shall not be considered an arrest. No entry or other record
9 shall be made to indicate that the person has been arrested or charged
10 with a crime.

11 (5) The Department of Health and Human Services shall not deny
12 issuance or renewal of a license under the Health Care Facility Licensure
13 Act to a mental health substance use treatment center on the basis that
14 the mental health substance use treatment center utilizes locked rooms to
15 provide civil protective custody services if the mental health substance
16 use treatment center is otherwise in compliance with the applicable rules
17 and regulations of the department and if a person placed into civil
18 protective custody in the mental health substance use treatment center is
19 not kept in a locked room after such person is no longer a danger to
20 himself or herself or other patients or staff of the mental health
21 substance use treatment center.

22 (6) For purposes of this section:

23 (a) Law enforcement officer means a member of the police force of
24 any city or village, a University of Nebraska police officer, a member of
25 the Nebraska State Patrol, a county or deputy sheriff, or any other law
26 enforcement officer with power to arrest for traffic violations;

27 (b) ~~(a)~~ Mental health substance use treatment center has the same
28 meaning as in section 71-423;

29 (c) ~~(b)~~ Public property means any public right-of-way, street,
30 highway, alley, park, or other state, county, or municipally owned
31 property; and

1 (d) ~~(e)~~ Quasi-public property means and includes private or publicly
2 owned property utilized for proprietary or business uses which invites
3 patronage by the public or which invites public ingress and egress.

4 Sec. 24. Section 54-902, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 54-902 For purposes of the Livestock Animal Welfare Act:

7 (1) Abandon means to leave a livestock animal in one's care, whether
8 as owner or custodian, for any length of time without making effective
9 provision for the livestock animal's feed, water, or other care as is
10 reasonably necessary for the livestock animal's health;

11 (2) Animal welfare practice means veterinarian practices and animal
12 husbandry practices common to the livestock animal industry, including
13 transport of livestock animals from one location to another;

14 (3) Bovine means a cow, an ox, or a bison;

15 (4) Cruelly mistreat means to knowingly and intentionally kill or
16 cause physical harm to a livestock animal in a manner that is not
17 consistent with animal welfare practices;

18 (5) Cruelly neglect means to fail to provide a livestock animal in
19 one's care, whether as owner or custodian, with feed, water, or other
20 care as is reasonably necessary for the livestock animal's health;

21 (6) Equine means a horse, pony, donkey, mule, or hinny;

22 (7) Euthanasia means the destruction of a livestock animal by
23 commonly accepted veterinary practices;

24 (8) Law enforcement officer means any member of the Nebraska State
25 Patrol, any county or deputy sheriff, any member of the police force of
26 any city or village, any University of Nebraska police officer, or any
27 other public official authorized by a city or village to enforce state or
28 local laws, rules, regulations, or ordinances;

29 (9) Livestock animal means any bovine, equine, swine, sheep, goats,
30 domesticated cervine animals, ratite birds, llamas, or poultry;

31 (10) Owner or custodian means any person owning, keeping,

1 possessing, harboring, or knowingly permitting an animal to remain on or
2 about any premises owned or occupied by such person; and

3 (11) Serious injury or illness includes any injury or illness to any
4 livestock animal which creates a substantial risk of death or which
5 causes broken bones, prolonged impairment of health, or prolonged loss or
6 impairment of the function of any bodily organ.

7 Sec. 25. Section 60-3,135, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 60-3,135 (1)(a) Undercover license plates may be issued to federal,
10 state, county, city, ~~or~~ village, or University of Nebraska law
11 enforcement agencies and shall be used only for legitimate criminal
12 investigatory purposes. Undercover license plates may also be issued to
13 the Nebraska State Patrol, the Game and Parks Commission, deputy state
14 sheriffs employed by the Nebraska Brand Committee and State Fire Marshal
15 for state law enforcement purposes, persons employed by the Tax
16 Commissioner for state revenue enforcement purposes, the Department of
17 Health and Human Services for the purposes of communicable disease
18 control, the prevention and control of those communicable diseases which
19 endanger the public health, the enforcement of drug control laws, or
20 other investigation purposes, the Department of Agriculture for special
21 investigative purposes, and the Insurance Fraud Prevention Division of
22 the Department of Insurance for investigative purposes. Undercover
23 license plates shall not be used on personally owned vehicles or for
24 personal use of government-owned vehicles.

25 (b) The director shall prescribe a form for agencies to apply for
26 undercover license plates. The form shall include a space for the name
27 and signature of the contact person for the requesting agency, a
28 statement that the undercover license plates are to be used only for
29 legitimate criminal investigatory purposes, and a statement that
30 undercover license plates are not to be used on personally owned vehicles
31 or for personal use of government-owned vehicles.

1 (2) The agency shall include the name and signature of the contact
2 person for the agency on the form and pay the fee prescribed in section
3 60-3,102. If the undercover license plates will be used for the
4 investigation of a specific event rather than for ongoing investigations,
5 the agency shall designate on the form an estimate of the length of time
6 the undercover license plates will be needed. The contact person in the
7 agency shall sign the form and verify the information contained in the
8 form.

9 (3) Upon receipt of a completed form, the director shall determine
10 whether the undercover license plates will be used by an approved agency
11 for a legitimate purpose pursuant to subsection (1) of this section. If
12 the director determines that the undercover license plates will be used
13 for such a purpose, he or she may issue the undercover license plates in
14 the form and under the conditions he or she determines to be necessary.
15 The decision of the director regarding issuance of undercover license
16 plates is final.

17 (4) The department shall keep records pertaining to undercover
18 license plates confidential, and such records shall not be subject to
19 public disclosure.

20 (5) The contact person shall return the undercover license plates to
21 the department if:

22 (a) The undercover license plates expire and are not renewed;

23 (b) The purpose for which the undercover license plates were issued
24 has been completed or terminated; or

25 (c) The director requests their return.

26 (6) A state agency, board, or commission that uses motor vehicles
27 from the transportation services bureau of the Department of
28 Administrative Services shall notify the bureau immediately after
29 undercover license plates have been assigned to the motor vehicle and
30 shall provide the equipment and license plate number and the undercover
31 license plate number to the bureau. The transportation services bureau

1 shall maintain a list of state-owned motor vehicles which have been
2 assigned undercover license plates. The list shall be confidential and
3 not be subject to public disclosure.

4 (7) The contact person shall be held accountable to keep proper
5 records of the number of undercover plates possessed by the agency, the
6 particular license plate numbers for each motor vehicle, and the person
7 who is assigned to the motor vehicle. This record shall be confidential
8 and not be subject to public disclosure.

9 Sec. 26. Section 60-480.01, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 60-480.01 (1)(a) Undercover drivers' licenses may be issued to
12 federal, state, county, city, ~~or~~ village, or University of Nebraska law
13 enforcement agencies and shall be used only for legitimate criminal
14 investigatory purposes. Undercover drivers' licenses may also be issued
15 to the Nebraska State Patrol, the Game and Parks Commission, deputy state
16 sheriffs employed by the Nebraska Brand Committee and State Fire Marshal
17 for state law enforcement purposes, persons employed by the Tax
18 Commissioner for state revenue enforcement purposes, the Department of
19 Health and Human Services for the purposes of communicable disease
20 control, the prevention and control of those communicable diseases which
21 endanger the public health, the enforcement of drug control laws, or
22 other investigation purposes, the Department of Agriculture for special
23 investigative purposes, and the Insurance Fraud Prevention Division of
24 the Department of Insurance for investigative purposes. Undercover
25 drivers' licenses are not for personal use.

26 (b) The director shall prescribe a form for agencies to apply for
27 undercover drivers' licenses. The form shall include a space for the name
28 and signature of the contact person for the requesting agency, a
29 statement that the undercover drivers' licenses are to be used only for
30 legitimate criminal investigatory purposes, and a statement that
31 undercover drivers' licenses are not for personal use.

1 (2) The agency shall include the name and signature of the contact
2 person for the agency on the form and pay the fees prescribed in section
3 60-4,115. If the undercover drivers' licenses will be used for the
4 investigation of a specific event rather than for ongoing investigations,
5 the agency shall designate on the form an estimate of the length of time
6 the undercover drivers' licenses will be needed. The contact person in
7 the agency shall sign the form and verify the information contained in
8 the form.

9 (3) Upon receipt of a completed form, the director shall determine
10 whether the undercover drivers' licenses will be used by an approved
11 agency for a legitimate purpose pursuant to subsection (1) of this
12 section. If the director determines that the undercover drivers' licenses
13 will be used for such a purpose, he or she may issue the undercover
14 drivers' licenses in the form and under the conditions he or she
15 determines to be necessary. The decision of the director regarding
16 issuance of undercover drivers' licenses is final.

17 (4) The Department of Motor Vehicles shall keep records pertaining
18 to undercover drivers' licenses confidential, and such records shall not
19 be subject to public disclosure. Any person who receives information
20 pertaining to undercover drivers' licenses in the course of his or her
21 employment and who discloses any such information to any unauthorized
22 individual shall be guilty of a Class III misdemeanor.

23 (5) The contact person shall return the undercover drivers' licenses
24 to the Department of Motor Vehicles if:

25 (a) The undercover drivers' licenses expire and are not renewed;

26 (b) The purpose for which the undercover drivers' licenses were
27 issued has been completed or terminated;

28 (c) The persons for whom the undercover drivers' licenses were
29 issued cease to be employees of the agency; or

30 (d) The director requests their return.

31 Sec. 27. Section 60-646, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 60-646 Peace officer shall mean any town marshal, chief of police,
3 local police officer, University of Nebraska police officer, sheriff, or
4 deputy sheriff, the Superintendent of Law Enforcement and Public Safety,
5 or any officer of the Nebraska State Patrol and shall also include
6 members of the National Guard on active service by direction of the
7 Governor during periods of emergency or civil disorder and Game and Parks
8 Commission conservation officers while in areas under the control of the
9 Game and Parks Commission. With respect to directing traffic only, peace
10 officer shall also include any person authorized to direct or regulate
11 traffic.

12 Sec. 28. Section 69-2429, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 69-2429 For purposes of the Concealed Handgun Permit Act:

15 (1) Concealed handgun means the handgun is totally hidden from view.
16 If any part of the handgun is capable of being seen, it is not a
17 concealed handgun;

18 (2) Emergency services personnel means a volunteer or paid
19 firefighter or rescue squad member or a person licensed to provide
20 emergency medical services pursuant to the Emergency Medical Services
21 Practice Act or authorized to provide emergency medical services pursuant
22 to the EMS Personnel Licensure Interstate Compact;

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

26 (4) Peace officer means any town marshal, chief of police or local
27 police officer, University of Nebraska police officer, sheriff or deputy
28 sheriff, the Superintendent of Law Enforcement and Public Safety, any
29 officer of the Nebraska State Patrol, any member of the National Guard on
30 active service by direction of the Governor during periods of emergency
31 or civil disorder, any Game and Parks Commission conservation officer,

1 and all other persons with similar authority to make arrests;

2 (5) Permitholder means an individual holding a current and valid
3 permit to carry a concealed handgun issued pursuant to the Concealed
4 Handgun Permit Act; and

5 (6) Proof of training means an original document or certified copy
6 of a document, supplied by an applicant, that certifies that he or she
7 either:

8 (a) Within the previous three years, has successfully completed a
9 handgun training and safety course approved by the Nebraska State Patrol
10 pursuant to section 69-2432; or

11 (b) Is a member of the active or reserve armed forces of the United
12 States or a member of the National Guard and has had handgun training
13 within the previous three years which meets the minimum safety and
14 training requirements of section 69-2432.

15 Sec. 29. Section 71-507, Revised Statutes Cumulative Supplement,
16 2022, is amended to read:

17 71-507 For purposes of sections 71-507 to 71-513:

18 (1) Alternate facility means a facility other than a health care
19 facility that receives a patient transported to the facility by an
20 emergency services provider;

21 (2) Department means the Department of Health and Human Services;

22 (3) Designated physician means the physician representing the
23 emergency services provider as identified by name, address, and telephone
24 number on the significant exposure report form. The designated physician
25 shall serve as the contact for notification in the event an emergency
26 services provider believes he or she has had significant exposure to an
27 infectious disease or condition. Each emergency services provider shall
28 designate a physician as provided in subsection (2) of section 71-509;

29 (4) Emergency services provider means an emergency care provider
30 licensed pursuant to the Emergency Medical Services Practice Act or
31 authorized pursuant to the EMS Personnel Licensure Interstate Compact, a

1 sheriff, a deputy sheriff, a police officer, a University of Nebraska
2 police officer, a state highway patrol officer, a funeral director, a
3 paid or volunteer firefighter, a school district employee, and a person
4 rendering emergency care gratuitously as described in section 25-21,186;

5 (5) Funeral director means a person licensed under section 38-1414
6 or an employee of such a person with responsibility for transport or
7 handling of a deceased human;

8 (6) Funeral establishment means a business licensed under section
9 38-1419;

10 (7) Health care facility has the meaning found in sections 71-419,
11 71-420, 71-424, and 71-429 or any facility that receives patients of
12 emergencies who are transported to the facility by emergency services
13 providers;

14 (8) Infectious disease or condition means hepatitis B, hepatitis C,
15 meningococcal meningitis, active pulmonary tuberculosis, human
16 immunodeficiency virus, diphtheria, plague, hemorrhagic fevers, rabies,
17 and such other diseases as the department may by rule and regulation
18 specify;

19 (9) Patient means an individual who is sick, injured, wounded,
20 deceased, or otherwise helpless or incapacitated;

21 (10) Patient's attending physician means the physician having the
22 primary responsibility for the patient as indicated on the records of a
23 health care facility;

24 (11) Provider agency means any law enforcement agency, fire
25 department, emergency medical service, funeral establishment, or other
26 entity which employs or directs emergency services providers or public
27 safety officials;

28 (12) Public safety official means a sheriff, a deputy sheriff, a
29 police officer, a University of Nebraska police officer, a state highway
30 patrol officer, a paid or volunteer firefighter, a school district
31 employee, and any civilian law enforcement employee or volunteer

1 performing his or her duties, other than those as an emergency services
2 provider;

3 (13) Responsible person means an individual who has been designated
4 by an alternate facility to carry out the facility's responsibilities
5 under sections 71-507 to 71-513. A responsible person may be designated
6 on a case-by-case basis;

7 (14) Significant exposure means a situation in which the body
8 fluids, including blood, saliva, urine, respiratory secretions, or feces,
9 of a patient or individual have entered the body of an emergency services
10 provider or public safety official through a body opening including the
11 mouth or nose, a mucous membrane, or a break in skin from cuts or
12 abrasions, from a contaminated needlestick or scalpel, from intimate
13 respiratory contact, or through any other situation when the patient's or
14 individual's body fluids may have entered the emergency services
15 provider's or public safety official's body or when an airborne pathogen
16 may have been transmitted from the patient or individual to the emergency
17 services provider or public safety official; and

18 (15) Significant exposure report form means the form used by the
19 emergency services provider to document information necessary for
20 notification of significant exposure to an infectious disease or
21 condition.

22 Sec. 30. Section 71-3414, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

24 71-3414 For purposes of the Domestic Abuse Death Review Act:

25 (1) Associated victim means a family or household member of the
26 decedent victim who also experienced abuse committed by the perpetrator;

27 (2) Decedent victim means a person who died by homicide or suicide
28 as a result of domestic abuse;

29 (3) Domestic abuse means abuse as defined in section 42-903;

30 (4) Domestic abuse death means:

31 (a) A homicide that involves, or is a result of, domestic abuse;

1 (b) The death of a decedent victim who was a member of a law
2 enforcement agency, emergency medical service, or other agency responding
3 to a domestic abuse incident;

4 (c) The death of a decedent victim who was responding to a domestic
5 abuse incident; or

6 (d) A suicide of a decedent victim if there are circumstances
7 indicating the suicide involved, or was the result of, domestic abuse
8 within two years prior to the suicide, including: (i) The decedent victim
9 had applied for or received a protection order against the perpetrator
10 within two years prior to the suicide; (ii) the decedent victim had
11 received counseling, treatment, or sought other supportive services as a
12 result of the domestic abuse within two years prior to the suicide; or
13 (iii) the decedent victim had reported domestic abuse to law enforcement
14 within two years prior to the suicide;

15 (5) Family or household member has the same meaning as in section
16 42-903;

17 (6) Investigation means a domestic abuse death investigation as
18 described in section 71-3415;

19 (7) Law enforcement agency means the police department or town
20 marshal in incorporated municipalities, the office of the county sheriff,
21 a University of Nebraska police department, and the Nebraska State
22 Patrol;

23 (8) Perpetrator means the person who has been the predominant
24 aggressor of domestic abuse;

25 (9) Survivor of domestic abuse means a person who is a current or
26 prior victim of domestic abuse; and

27 (10) Team means the State Domestic Abuse Death Review Team as
28 provided in section 71-3416.

29 Sec. 31. Section 81-1401, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 81-1401 For purposes of sections 81-1401 to 81-1414.19, unless the

1 context otherwise requires:

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

4 (2) Commission means the Nebraska Commission on Law Enforcement and
5 Criminal Justice;

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

7 (4) Director means the director of the Nebraska Law Enforcement
8 Training Center;

9 (5) Felony means a crime punishable by imprisonment for a term of
10 more than one year or a crime committed outside of Nebraska which would
11 be punishable by imprisonment for a term of more than one year if
12 committed in Nebraska;

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

16 (7) Law enforcement agency means the police department or the town
17 marshal in incorporated municipalities, the office of sheriff in
18 unincorporated areas, the Nebraska State Patrol, a University of Nebraska
19 police department, and Class I railroad police departments;

20 (8)(a) Law enforcement officer means any person who has successfully
21 completed an entry-level law enforcement certification from a training
22 academy and who is responsible for the prevention or detection of crime
23 or the enforcement of the penal, traffic, or highway laws of the state or
24 any political subdivision of the state for more than one hundred hours
25 per year and is authorized by law to make arrests and includes, but is
26 not limited to:

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

28 (ii) A county sheriff;

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

31 (iv) A full-time or part-time employee of a municipal or village

1 police agency;

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

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

5 (vii) A full-time or part-time University of Nebraska police
6 officer;

7 (viii) (vii) A full-time employee of an organized and paid fire
8 department of any city of the metropolitan class who is an authorized
9 arson investigator and whose duties consist of determining the cause,
10 origin, and circumstances of fires or explosions while on duty in the
11 course of an investigation;

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

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

15 (b) Law enforcement officer includes a noncertified conditional
16 officer;

17 (c) Law enforcement officer does not include employees of the
18 Department of Correctional Services, probation officers under the
19 Nebraska Probation System, parole officers appointed by the Director of
20 Supervision and Services of the Division of Parole Supervision, or
21 employees of the Department of Revenue under section 77-366; and

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

26 (9) Misdemeanor crime of domestic violence has the same meaning as
27 in section 28-1206;

28 (10) Noncertified conditional officer means a person appointed
29 pursuant to subsection (6) of section 81-1414;

30 (11) Serious misconduct means improper or illegal actions taken by a
31 law enforcement officer that have a rational connection with the person's

1 fitness or capacity to serve as a law enforcement officer and includes,
2 but is not limited to:

3 (a) Conviction of a felony or misdemeanor crime of domestic
4 violence;

5 (b) Fabrication of evidence;

6 (c) Repeated substantiated allegations of the use of excessive
7 force;

8 (d) Acceptance of a bribe;

9 (e) Commission of fraud or perjury; or

10 (f) Sexual assault;

11 (12) Training academy means:

12 (a) The training center; or

13 (b) Another council-approved law enforcement training facility
14 which:

15 (i) Offers certification training that meets or exceeds the
16 certification training curriculum of the training center; and

17 (ii) Is operated and maintained by a law enforcement agency or by
18 multiple law enforcement agencies pursuant to the Interlocal Cooperation
19 Act.

20 (13) Training center means the Nebraska Law Enforcement Training
21 Center; and

22 (14) Training school means a public or private institution of higher
23 education, including the University of Nebraska, the Nebraska state
24 colleges, and the community colleges of this state, that offers training
25 in a council-approved pre-certification course.

26 Sec. 32. Section 81-1452, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 81-1452 For purposes of sections 81-1452 to 81-1454, unless the
29 context otherwise requires:

30 (1) Body-worn camera means a device worn by a peace officer in
31 uniform which has the capability to record both audio and video of an

1 interaction between a peace officer and a member of the public but does
2 not include any device used by a plain clothes officer;

3 (2) Commission means the Nebraska Commission on Law Enforcement and
4 Criminal Justice;

5 (3) Law enforcement agency means an agency or department of this
6 state or of any political subdivision of this state which is responsible
7 for the prevention and detection of crime, the enforcement of the penal,
8 traffic, or highway laws of this state or any political subdivision of
9 this state, and the enforcement of arrest warrants. Law enforcement
10 agency includes a police department, an office of a town marshal, an
11 office of a county sheriff, a University of Nebraska police department,
12 the Nebraska State Patrol, and any department to which a deputy state
13 sheriff is assigned as provided in section 84-106; and

14 (4) Peace officer means any officer or employee of a law enforcement
15 agency authorized by law to make arrests.

16 Sec. 33. Section 81-1455, Revised Statutes Cumulative Supplement,
17 2022, is amended to read:

18 81-1455 (1) The ~~On or before January 1, 2017,~~ the Nebraska State
19 Patrol, each county sheriff, each city or village police department, ~~and~~
20 any other law enforcement agency in this state which conducts eyewitness
21 suspect identifications and, beginning January 1, 2024, each University
22 of Nebraska police department, shall adopt a written policy on eyewitness
23 suspect identifications and provide a copy of such policy to the Nebraska
24 Commission on Law Enforcement and Criminal Justice. The policy shall
25 include the minimum standards developed by the commission relating to the
26 following: (a) Standards which describe the administration of a lineup,
27 (b) procedures governing the instructions given by a peace officer to an
28 eyewitness, and (c) procedures for documentation of the eyewitness's
29 level of certainty of an identification.

30 (2) The Nebraska Commission on Law Enforcement and Criminal Justice
31 shall distribute a standard model written policy on suspect

1 identification by eyewitnesses. Any law enforcement agency described in
2 subsection (1) of this section which fails to adopt its own policy as
3 required by this section shall adopt the commission's standard model
4 written policy.

5 Sec. 34. (1) For purposes of this section, University of Nebraska
6 police officer or University of Nebraska police department means an
7 officer employed by, or a department operated under, the direction of
8 the:

9 (a) Chief executive officer of the University of Nebraska;

10 (b) Chancellors of the University of Nebraska-Lincoln, the
11 University of Nebraska at Omaha, the University of Nebraska at Kearney,
12 or the University of Nebraska Medical Center; or

13 (c) The chief executive officer or governing body of any other
14 postsecondary educational institution designated by the Legislature to be
15 a part of the University of Nebraska.

16 (2) University of Nebraska police officers and police departments
17 have the authority to:

18 (a) Aid state and local law enforcement agencies; and

19 (b) Enforce state law and city and village ordinances.

20 (3) If a University of Nebraska police officer has obtained a
21 certificate issued under sections 81-1401 to 81-1414.19, such officer
22 shall have the same powers of criminal law enforcement as a county
23 sheriff:

24 (a) On property owned, occupied, or operated by the Board of Regents
25 of the University of Nebraska; an affiliated endowment association; an
26 affiliated corporation; an affiliated athletic association; a fraternity,
27 sorority, or other student group associated with the University of
28 Nebraska; or at the site of a function or academic program sponsored by
29 the University of Nebraska;

30 (b) Within the city, village, or county where such property, as
31 described in subdivision (3)(a) of this section, is located, as necessary

1 to protect the health, safety, and welfare of students, faculty, and
2 staff of the University of Nebraska;

3 (c) Wherever University of Nebraska activities are taking place; or

4 (d) When there is reason to believe that a violation of state law or
5 a city or village ordinance has occurred. In such case, University of
6 Nebraska police officers may investigate and arrest persons for such
7 violation anywhere as identified in subdivisions (3)(a), (b), and (c) of
8 this section.

9 (4) A University of Nebraska police officer shall also have
10 authority to transport persons in custody to an appropriate facility,
11 wherever located.

12 (5) In performance of any of the powers, duties, and functions
13 authorized by this section or any other law, a University of Nebraska
14 police officer shall have the same responsibilities, rights, protections,
15 and immunities afforded to other law enforcement officers and peace
16 officers under law.

17 (6)(a) Each University of Nebraska police department shall form and
18 maintain a University of Nebraska Police Advisory Committee. Each such
19 advisory committee shall collaborate with each University of Nebraska
20 police department to:

21 (i) Assist in identifying emerging issues related to University of
22 Nebraska campus community, safety, and security;

23 (ii) Establish and review guidelines for effective community-
24 oriented policing;

25 (iii) Review, advise, and make recommendations regarding University
26 of Nebraska police department policies, procedures, incidents, and
27 training; and

28 (iv) Assist on any other University of Nebraska campus safety issue,
29 effort, or engagement mutually identified by the University of Nebraska
30 police department and advisory committee.

31 (b) Every University of Nebraska Police Advisory Committee created

1 pursuant to this section shall be formed and maintained in coordination
2 with appropriate constituent groups on each University of Nebraska
3 campus, including, but not limited to, each University of Nebraska
4 student government organization.

5 (7) Any University of Nebraska police department may, under the
6 Interlocal Cooperation Act, enter into an agreement with a city, village,
7 or county for supplemental law enforcement services. Under such an
8 agreement, city, village, or county law enforcement personnel may have
9 law enforcement authority when working directly with a University of
10 Nebraska police department providing services at university events and
11 activities as set forth in the agreement. Unless otherwise set forth in
12 the agreement, each participating city, village, or county shall provide
13 liability insurance coverage for its own law enforcement personnel under
14 section 13-1802.

15 Sec. 35. Section 85-2602, Revised Statutes Cumulative Supplement,
16 2022, is amended to read:

17 85-2602 For purposes of the Law Enforcement Education Act:

18 (1) Associate degree program means a degree program at a community
19 college, state college, or state university which typically requires
20 completion of an organized program of study of at least sixty semester
21 credit hours or an equivalent that can be shown to accomplish the same
22 goal. Associate degree program does not include a baccalaureate degree
23 program;

24 (2) Baccalaureate degree program means a degree program at a
25 community college, state college, or state university which typically
26 requires completion of an organized program of study of at least one
27 hundred twenty semester credit hours or an equivalent that can be shown
28 to accomplish the same goal;

29 (3) Community college means a public postsecondary educational
30 institution which is part of the community college system and includes
31 all branches and campuses of such institution located within the State of

1 Nebraska;

2 (4) Law enforcement officer means any person who is responsible for
3 the prevention or detection of crime or the enforcement of the penal,
4 traffic, or highway laws of the State of Nebraska or any political
5 subdivision of the state for more than one hundred hours per year and who
6 is authorized by law to make arrests;

7 (5) Law enforcement agency means a police department in a
8 municipality, a sheriff's office, a University of Nebraska police
9 department, and the Nebraska State Patrol;

10 (6) State college means a public postsecondary educational
11 institution which is part of the Nebraska state college system and
12 includes all branches and campuses of such institution located within the
13 State of Nebraska;

14 (7) State university means a public postsecondary educational
15 institution which is part of the University of Nebraska and includes all
16 branches and campuses of such institution located within the State of
17 Nebraska; and

18 (8) Tuition means the charges and cost of tuition as set by the
19 governing body of a state university, state college, or community
20 college.

21 Sec. 36. Section 86-802, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 86-802 For purposes of the Kelsey Smith Act:

24 (1) Call location information means the best available location
25 information, including, but not limited to, information obtained using
26 historical cellular site information or a mobile locator tool;

27 (2) Law enforcement agency means a police department, a town
28 marshal, the office of sheriff, a University of Nebraska police
29 department, and the Nebraska State Patrol;

30 (3) Wireless carrier has the same meaning as in section 86-456; and

31 (4) Wireless communication device means any wireless electronic

1 communication device that provides for voice or data communication
2 between two or more parties, including a mobile or cellular telephone.

3 Sec. 37. Original sections 20-502, 20-504, 25-21,303, 28-109,
4 28-359, 29-209, 29-406, 29-4103, 29-4502, 44-3,134, 48-202, 48-1108,
5 49-801, 53-1,121, 54-902, 60-3,135, 60-480.01, 60-646, 69-2429, and
6 86-802, Reissue Revised Statutes of Nebraska, and sections 28-311.09,
7 28-311.11, 28-322.05, 28-470, 28-710, 28-1008, 29-215, 42-903, 48-101.01,
8 71-507, 71-3414, 81-1401, 81-1452, 81-1455, and 85-2602, Revised Statutes
9 Cumulative Supplement, 2022, are repealed.