

AMENDMENTS TO LB965

Introduced by Judiciary.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Sec. 17.** Section 28-610, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 28-610 (1) A person commits the offense of impersonating a peace
6 officer if he falsely pretends to be a peace officer and performs any act
7 in that pretended capacity.

8 (2) Impersonating a peace officer is a Class IV felony ~~I~~
9 ~~misdemeanor~~.

10 **Sec. 20.** Section 28-1205, Revised Statutes Supplement, 2025, is
11 amended to read:

12 28-1205 (1)(a) Any person who uses a firearm, a knife, brass or iron
13 knuckles, or any other deadly weapon to commit any felony which may be
14 prosecuted in a court of this state commits the offense of use of a
15 deadly weapon to commit a felony.

16 (b) Use of a deadly weapon, other than a firearm, to commit a felony
17 is a Class II felony.

18 (c) Use of a deadly weapon, which is a firearm, to commit a felony
19 is a Class IC felony.

20 (2)(a) Any person who possesses a firearm, a knife, brass or iron
21 knuckles, or a destructive device during the commission of any felony
22 which may be prosecuted in a court of this state commits the offense of
23 possession of a deadly weapon during the commission of a felony.

24 (b) Possession of a deadly weapon, other than a firearm, during the
25 commission of a felony is a Class III felony.

26 (c) Possession of a deadly weapon, which is a firearm, during the
27 commission of a felony is a Class II felony.

1 (3)(a) Any person who carries a firearm or a destructive device
2 during the commission of a dangerous misdemeanor commits the offense of
3 carrying a firearm or destructive device during the commission of a
4 dangerous misdemeanor.

5 (b) A violation of this subsection is a:

6 (i) Class I misdemeanor for a first or second offense; and

7 (ii) A Class IV felony for any third or subsequent offense.

8 (4) A violation of this section shall be treated as a separate and
9 distinct offense from the underlying crimes being committed, and a
10 sentence imposed under this section shall be consecutive to any other
11 sentence imposed.

12 (5) Possession of a deadly weapon may be proved through evidence
13 demonstrating either actual or constructive possession of a firearm, a
14 knife, brass or iron knuckles, or a destructive device during,
15 immediately prior to, or immediately after the commission of a felony.

16 (6) For purposes of this section:

17 (a) Dangerous misdemeanor means a misdemeanor violation of any of
18 the following offenses:

19 (i) Stalking under section 28-311.03;

20 (ii) Knowing violation of any protection order issued under the
21 Protection Orders Act;

22 (iii) Domestic assault under section 28-323;

23 (iv) Assault of an unborn child in the third degree under section
24 28-399;

25 (v) Theft by shoplifting under section 28-511.01;

26 (vi) Unauthorized use of a propelled vehicle under section 28-516;

27 (vii) Criminal mischief under section 28-519 if such violation
28 arises from an incident involving the commission of a misdemeanor crime
29 of domestic violence;

30 ~~(viii) Impersonating a police officer under section 28-610;~~

31 (viii) ~~(ix)~~ Resisting arrest under section 28-904;

1 (ix) ~~(x)~~ Operating a motor vehicle or vessel to avoid arrest under
2 section 28-905;

3 (x) ~~(xi)~~ Obstructing a peace officer under section 28-906; or

4 (xi) ~~(xii)~~ Any attempt under section 28-201 to commit an offense
5 described in subdivisions (6)(a)(i) through (x) ~~(xi)~~ of this section;

6 (b) Destructive device has the same meaning as in section 28-1213;

7 (c) Misdemeanor crime of domestic violence has the same meaning as
8 in section 28-1206; and

9 (d) Use of a deadly weapon includes the discharge, employment, or
10 visible display of any part of a firearm, a knife, brass or iron
11 knuckles, any other deadly weapon, or a destructive device during,
12 immediately prior to, or immediately after the commission of a felony or
13 communication to another indicating the presence of a firearm, a knife,
14 brass or iron knuckles, any other deadly weapon, or a destructive device
15 during, immediately prior to, or immediately after the commission of a
16 felony, regardless of whether such firearm, knife, brass or iron
17 knuckles, deadly weapon, or destructive device was discharged, actively
18 employed, or displayed.

19 **Sec. 22.** For purposes of sections 22 to 28 of this act:

20 (1) Brady-Giglio case law means Brady v. Maryland, 373 U.S. 83
21 (1963), and Giglio v. United States, 405 U.S. 150 (1972), and subsequent
22 cases of the Supreme Court of the United States and the Supreme Court of
23 Nebraska;

24 (2) Brady-Giglio disclosure means a disclosure made by a prosecuting
25 agency pursuant to Brady-Giglio case law;

26 (3) Law enforcement agency has the same meaning as in section
27 81-1401;

28 (4) Law enforcement officer has the same meaning as in section
29 81-1401;

30 (5) Officer means:

31 (a) A law enforcement officer; or

1 (b) A correctional officer employed by a jail or by the Department
2 of Correctional Services;

3 (6) Prosecuting agency means the Department of Justice, the office
4 of a county attorney or city attorney, or a special prosecutor; and

5 (7) Public safety agency means:

6 (a) A law enforcement agency;

7 (b) A city or county jail;

8 (c) The Department of Correctional Services; or

9 (d) Any other agency of state or local government that employs
10 officers.

11 **Sec. 23.** (1) An officer shall not be discharged, disciplined, or
12 threatened with discharge or discipline, or subject to revocation or
13 suspension of a certificate under sections 81-1401 to 81-1414.19, solely
14 because a prosecuting agency has:

15 (a) Named the officer in a Brady-Giglio disclosure or determined
16 that such officer may be subject to such disclosure; or

17 (b) Disclosed to any person that the officer is named in a Brady-
18 Giglio disclosure.

19 (2) This section does not prohibit a dismissal, a suspension, a
20 demotion, or any other disciplinary action against an officer, or against
21 a certificate issued under sections 81-1401 to 81-1414.19, based on the
22 underlying action that resulted in such officer being named in a Brady-
23 Giglio disclosure or being considered for such disclosure.

24 **Sec. 24.** (1)(a) This section applies to any county with a
25 population of over one hundred thousand inhabitants as determined by the
26 most recent federal decennial census or the most recent revised certified
27 count by the United States Bureau of the Census.

28 (b) For a county which includes a city of the metropolitan or
29 primary class, the county attorney and city attorney of such city shall
30 operate under an interlocal agreement to fulfill the requirements of this
31 section.

1 (2) Before a prosecuting agency names an officer in a Brady-Giglio
2 disclosure, the prosecuting agency shall fulfill the requirements of this
3 section.

4 (3)(a) The prosecuting agency shall create an informal advisory
5 committee for evaluating possible Brady-Giglio disclosures. The advisory
6 committee shall provide recommendations to county attorneys, city
7 attorneys, and special prosecutors within the county. Each such
8 prosecuting agency retains ultimate discretion on whether to name an
9 officer in a Brady-Giglio disclosure.

10 (b)(i) For a county which includes a city of the metropolitan class
11 or primary class, the advisory committee shall be comprised of two
12 prosecutors appointed by the county attorney and two prosecutors
13 appointed by the city attorney for such city.

14 (ii) For any other county, the advisory committee shall be comprised
15 of four prosecutors appointed by the county attorney, with two of such
16 prosecutors being from jurisdictions within the county and two
17 prosecutors from jurisdictions in any other Nebraska county or counties.

18 (4) Each prosecuting agency shall adopt a process for reviewing and
19 making determinations for prospective Brady-Giglio disclosures that
20 includes the following provisions:

21 (a) The prosecuting agency shall provide an officer with written
22 notice, including the proposed rationale, before determining whether such
23 officer is subject to a prospective Brady-Giglio disclosure;

24 (b) The prosecuting agency shall provide the officer with a
25 reasonable opportunity to respond to the proposed determination;

26 (c)(i) If an officer in good faith contests the proposed
27 determination, the prosecuting agency shall request the advisory
28 committee to make a recommendation on whether to name the officer in a
29 prospective disclosure.

30 (ii) The prosecuting agency shall provide the advisory committee
31 with materials that support or corroborate naming the officer in such

1 prospective disclosure and any exculpatory materials provided by the
2 officer.

3 (iii) The advisory committee may request further information from
4 the officer or prosecuting agency, including oral testimony from the
5 officer, and may conduct an informal hearing.

6 (iv) The advisory committee shall make a recommendation to the
7 prosecuting agency as to whether a prospective disclosure is required
8 under Brady-Giglio case law and shall provide written notice of such
9 recommendation; and

10 (d) The prosecuting agency shall consider, but is not bound by, the
11 recommendation of the advisory committee. Upon the prosecuting agency
12 making a final decision on whether to name such officer in a prospective
13 Brady-Giglio disclosure, the prosecuting agency shall provide written
14 notice to the officer of its final decision.

15 (5) The requirements of this section apply to any officer subject to
16 a prospective Brady-Giglio disclosure made on or after the operative date
17 of this section. This section applies even if an officer was named in a
18 related or similar Brady-Giglio disclosure prior to the operative date of
19 this section, unless such officer has already received notice and an
20 opportunity to be heard substantially similar to that required under this
21 section.

22 (6) Evidence presented to an advisory committee under this section
23 shall be kept confidential unless otherwise provided by law.

24 **Sec. 25.** (1) In an action, an officer shall receive notice of a
25 prosecuting agency's final decision to name such officer in a prospective
26 Brady-Giglio disclosure. An officer aggrieved by this decision may
27 intervene in the action for the limited purpose of filing a motion in
28 limine to prevent such disclosure from being submitted to the trier of
29 fact.

30 (2) The court shall perform an in camera review of the evidence and
31 may hold a closed hearing upon the request of the officer or prosecuting

1 agency, or upon the court's own motion.

2 (3) The court may grant the motion if the court finds there is no
3 reasonable basis for concern that the information or actions of the
4 officer that served as the rationale for naming the officer in the Brady-
5 Giglio disclosure will be material to the issues in the case.

6 (4) A determination by a court that an officer should not be named
7 in a Brady-Giglio disclosure shall not prevent a prosecuting agency from
8 making disclosures in other cases that the prosecuting agency believes to
9 be necessary under Brady-Giglio case law.

10 (5) Evidence presented to the court under this section shall be
11 provided under seal and kept confidential unless otherwise provided by
12 law and ordered by the district court.

13 **Sec. 26.** (1) A public safety agency shall not publicly release an
14 officer's official photograph without the written permission of the
15 officer or his or her personal representative or without a request
16 pursuant to section 84-712.

17 (2) An officer's personal information, including, but not limited
18 to, the officer's home address, personal telephone number, personal email
19 address, date of birth, social security number, and operator's license
20 number shall be confidential and shall be redacted from any record prior
21 to the record's release to the public by the employing public safety
22 agency.

23 (3) Nothing in this section prohibits the release of an officer's
24 photograph or unredacted personal information to the officer's legal
25 counsel, union representative, or designated employee representative upon
26 the request of the officer or his or her personal representative or legal
27 counsel.

28 **Sec. 27.** An officer shall not be discharged, disciplined, or
29 threatened with discharge or discipline, or subject to revocation or
30 suspension of a certificate under sections 81-1401 to 81-1414.19, in
31 retaliation for exercising the rights of the officer enumerated in

1 sections 22 to 28 of this act.

2 **Sec. 28.** The rights enumerated in sections 22 to 28 of this act are
3 in addition to any other rights granted pursuant to a collective-
4 bargaining agreement or other law.

5 **Sec. 48.** Sections 17, 20, 22, 23, 24, 25, 26, 27, 28, and 50 of this
6 act become operative on October 1, 2026. The other sections of this act
7 become operative on their effective date.

8 **Sec. 49.** If any section in this act or any part of any section is
9 declared invalid or unconstitutional, the declaration shall not affect
10 the validity or constitutionality of the remaining portions.

11 **Sec. 50.** Original section 28-610, Reissue Revised Statutes of
12 Nebraska, and section 28-1205, Revised Statutes Supplement, 2025, are
13 repealed.

14 **Sec. 51.** Original sections 28-322.02, 28-322.03, 28-323, 28-508,
15 28-703, 29-3901, 29-3904, 29-3905, 29-3918, 43-273, 43-2923, 71-946,
16 71-947, 71-948, 83-4,143, and 84-941.01, Reissue Revised Statutes of
17 Nebraska, sections 27-404, 28-115, 28-310.01, 28-322.01, 29-3903,
18 29-3922, and 43-272, Revised Statutes Cumulative Supplement, 2024, and
19 sections 26-118, 27-413, 28-101, 28-318, 28-322, 28-470, 28-712.01,
20 28-1701, 29-4003, 29-4309, 29-4316, and 81-1850, Revised Statutes
21 Supplement, 2025, are repealed.