

ENGROSSED LEGISLATIVE BILL 764

Introduced by Holdcroft, 36.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-1401, Revised Statutes Supplement, 2025; to redefine a term; to provide for certain Department of Correctional Services employees to be law enforcement officers; and to repeal the original section.

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

Section 1. Section 81-1401, Revised Statutes Supplement, 2025, is amended to read:

81-1401 For purposes of sections 81-1401 to 81-1414.19, unless the context otherwise requires:

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

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

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

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

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

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

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

(8)(a) Law enforcement officer means any person who has successfully

completed an entry-level law enforcement certification from a training academy and who is responsible for the prevention or detection of crime or the enforcement of the penal, traffic, or highway laws of the state or any political subdivision of the state for more than one hundred hours per year and is authorized by law to make arrests and includes, but is not limited to:

- (i) A full-time or part-time member of the Nebraska State Patrol;
 - (ii) A county sheriff;
 - (iii) A full-time or part-time employee of a county sheriff's office;
 - (iv) A full-time or part-time employee of a municipal or village police agency;
 - (v) A full-time or part-time Game and Parks Commission conservation officer;
 - (vi) A full-time or part-time deputy state sheriff;
 - (vii) A full-time employee of an organized and paid fire department of any city of the metropolitan class who is an authorized arson investigator and whose duties consist of determining the cause, origin, and circumstances of fires or explosions while on duty in the course of an investigation;
 - (viii) A member of a law enforcement reserve force appointed in accordance with section 81-1438;
 - (ix) A full-time Class I railroad police officer; or
 - (x) An employee of the Department of Correctional Services who is designated as a law enforcement officer by the department;
- (b) Law enforcement officer includes a noncertified conditional officer;
- (c) Law enforcement officer does not include employees of the Department of Correctional Services, except those described in subdivision (8)(a)(x) of this section; probation officers under the Nebraska Probation System; parole officers appointed by the Director of Correctional Services; or employees of the Department of Revenue under section 77-366; and
- (d) Except for a noncertified conditional officer, a law enforcement officer shall possess a valid law enforcement officer certificate or diploma, as established by the council, in order to be vested with the authority of this

section;

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

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

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

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

(b) Fabrication of evidence;

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

(d) Acceptance of a bribe;

(e) Commission of fraud or perjury; or

(f) Sexual assault;

(12) Training academy means:

(a) The training center; or

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

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

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

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

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

Sec. 2. Original section 81-1401, Revised Statutes Supplement, 2025, is repealed.

PRESIDENT OF THE LEGISLATURE

*THIS IS TO CERTIFY that the within LB 764 was passed by the One Hundred Ninth
Legislature of Nebraska at its Second Session on the day
of 20.....*

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clockM.

GOVERNOR