

ENGROSSED LEGISLATIVE BILL 784

Introduced by Hallstrom, 1; DeKay, 40.

A BILL FOR AN ACT relating to law enforcement; to amend sections 23-1717, 23-1719, and 81-1414.07, Reissue Revised Statutes of Nebraska, and sections 23-1701, 23-1701.01, and 32-604, Revised Statutes Cumulative Supplement, 2024; to change provisions relating to residency requirements for sheriffs in certain counties, uniform requirements for sheriffs and their deputies, and continuing education requirements for law enforcement officers; to harmonize provisions; to provide operative dates; and to repeal the original sections.

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

Section 1. Section 23-1701, Revised Statutes Cumulative Supplement, 2024, is amended to read:

23-1701 (1) It is the duty of the sheriff to serve or otherwise execute, according to law, and return writs or other legal process issued by lawful authority and directed or committed to the sheriff and to perform such other duties as may be required by law. The county sheriff shall prepare and file the required annual inventory statement of county personal property in his or her custody or possession as provided in sections 23-346 to 23-350.

(2) Except as provided in subsections (3) and (4) of this section, a sheriff need not be a resident of the county when he or she files for election as sheriff, but a sheriff shall reside in the county for which he or she holds office.

(3) This subsection applies to a county that does not contain a city of the metropolitan, primary, or first class. The sheriff need not be a resident of the county when he or she files for election as sheriff of such county, but when holding office, such sheriff shall reside in such county or an adjoining county.

(4) If there is no county sheriff elected pursuant to section 32-520 or if

a vacancy occurs for any other reason, the county board of such county may appoint a law enforcement officer qualified pursuant to section 23-1701.01 from any Nebraska county to the office of county sheriff. In making such appointment, the county board shall enter into a contract with the appointed county sheriff, such contract to specify the terms and conditions of the appointment, including the compensation of the appointed county sheriff, which compensation shall not be subject to sections 23-1114.02 to 23-1114.06.

Sec. 2. Section 23-1701.01, Revised Statutes Cumulative Supplement, 2024, is amended to read:

23-1701.01 (1) Any candidate for the office of sheriff and any sheriff appointed under subsection (4) of section 23-1701 shall possess a law enforcement officer certificate or diploma issued by the Nebraska Commission on Law Enforcement and Criminal Justice. A standardized letter issued by the director of the Nebraska Law Enforcement Training Center certifying that the candidate or appointee was duly issued such certificate or diploma shall be filed by a candidate with the candidate filing form required by section 32-607 and by an appointee with the contract entered into under section 23-1701.

(2) Each sheriff shall attend the Sheriff's Certification Course conducted by the Nebraska Law Enforcement Training Center and obtain a certificate awarded by the Nebraska Commission on Law Enforcement and Criminal Justice attesting to satisfactory completion of such course within eight months after taking office unless such sheriff has already been awarded a certificate by the commission attesting to satisfactory completion of such course or unless such sheriff can demonstrate to the Nebraska Police Standards Advisory Council that his or her previous training and education is such that he or she will professionally discharge the duties of the office. Any sheriff in office prior to July 19, 1980, shall not be required to obtain a certificate awarded by the commission attesting to satisfactory completion of the Sheriff's Certification Course but shall otherwise be subject to this section.

(3) Each sheriff shall attend continuing education as provided in section 81-1414.07 each year following the first year of such sheriff's term of office.

(4) Unless a sheriff is able to show good cause for not complying with subsection (2) or (3) of this section or obtains a waiver of the training requirements from the council, any sheriff who violates subsection (2) or (3) of this section shall be punished by a fine equal to such sheriff's monthly salary. Each month in which such violation occurs shall constitute a separate offense.

Sec. 3. Section 23-1717, Reissue Revised Statutes of Nebraska, is amended to read:

23-1717 (1) Except as otherwise provided in subsections (2) and (3) of this section, county sheriffs and their deputies, when on duty, shall:

(a) Be dressed in a distinctive uniform that is approved by the sheriff and that meets the requirements of section 23-1719; and

(b) Display a badge of office as described in section 23-1719.

(2) The wearing of such uniform and badge shall be discretionary at the option of the sheriff when he or she or his or her deputies are engaged in special investigations or mental patient assignments.

(3) Special deputies appointed by the sheriff shall be excluded from the requirements of this section.

Sec. 4. Section 23-1719, Reissue Revised Statutes of Nebraska, is amended to read:

23-1719 (1) The uniform required by section 23-1717 shall be at the discretion of the sheriff and may be separated into classes to best fit the needs of each sheriff. Any such uniform shall be readily distinguishable from the uniform of other law enforcement agencies in the State of Nebraska.

(2) The Class A or dress uniform for a county sheriff or their deputies shall consist of:

(a) Brown felt campaign hat, center crease in sheriff or western style;

(b) Brown straw campaign hat, center crease in sheriff or western style;

(c) Chocolate brown color shirt with either long or short sleeves depending on season;

(d) Pink tan color trousers in appropriate seasonal weights;

- (e) Pink tan color necktie;
 - (f) Shoes or boots in the same color as the leather worn;
 - (g) Chocolate brown color service jacket, zipper front with badge or insignia approved by the sheriff;
 - (h) Hip-length year-round outer jacket, dark brown in color;
 - (i) Badge bearing state or state seal, rank, and county and consisting of a seven-point star;
 - (j) Collar ornaments for sheriff and deputies;
 - (k) Shoulder emblem to be worn on upper sleeve and include sheriff's office or department and county name - design optional;
 - (l) Leather to be either brown or black at the individual department's choice; and
 - (m) Brown winter cap.
- (3) The Class B or patrol uniform for a county sheriff or their deputies shall consist of:
- (a) Black or any variation of brown hat, depending on the season;
 - (b) Black or any variation of brown color external carrier, with badge;
 - (c) Black or any variation of brown color shirt with either long or short sleeves depending on season;
 - (d) Black or any variation of brown color trousers in appropriate seasonal weights;
 - (e) Black or any variation of brown color shoes or boots;
 - (f) Black or any variation of brown color jacket, with a badge or insignia approved by the sheriff;
 - (g) Badge bearing state or state seal, rank, and county and consisting of a seven-point star;
 - (h) Shoulder emblem to be worn on upper sleeve and include sheriff's office or department and county name - design optional; and
 - (i) Leather to be either black or any variation of brown at the individual department's choice.
- (4) The honor guard or color guard uniform for a county sheriff or their

deputies shall consist of:

(a) Any variation of brown color campaign hat, center crease in sheriff or western style;

(b) Any variation of brown color uniform jacket;

(c) Any variation of brown color pants;

(d) Black leather shoes or boots;

(e) Shoulder emblem to be worn on upper sleeve and include sheriff's office or department and county name - design optional; and

(f) Badge bearing state or state seal, rank, and county and consisting of a seven-point star.

(5) A committee from the Nebraska Sheriffs' Association shall assist in developing specifications for the uniforms.

Sec. 5. Section 32-604, Revised Statutes Cumulative Supplement, 2024, is amended to read:

32-604 (1) Except as provided in subsection (2) or (4) of this section, no person shall be precluded from being elected or appointed to or holding an elective office for the reason that he or she has been elected or appointed to or holds another elective office.

(2) No person serving as a member of the Legislature or in an elective office described in Article IV, section 1 or 20, or Article VII, section 3 or 10, of the Constitution of Nebraska shall simultaneously serve in any other elective office, except that such a person may simultaneously serve in another elective office which is filled at an election held in conjunction with the annual meeting of a public body.

(3) Whenever an incumbent serving as a member of the Legislature or in an elective office described in Article IV, section 1 or 20, or Article VII, section 3 or 10, of the Constitution of Nebraska assumes another elective office, except an elective office filled at an election held in conjunction with the annual meeting of a public body, the office first held by the incumbent shall be deemed vacant.

(4) No person serving in a high elective office shall simultaneously serve

in any other high elective office, except that (a) a county attorney may serve as the county attorney for more than one county if appointed under subsection (2) of section 23-1201.01 and (b) a county sheriff may serve as the county sheriff for more than one county if appointed under subsection (4) of section 23-1701.

(5) Notwithstanding subsection (4) of this section, any person holding more than one high elective office upon July 15, 2010, shall be entitled to serve the remainder of all terms for which he or she was elected or appointed.

(6) For purposes of this section, (a) elective office has the meaning found in section 32-109 and includes an office which is filled at an election held in conjunction with the annual meeting of a public body created by an act of the Legislature but does not include a member of a learning community coordinating council appointed pursuant to subsection (5) or (7) of section 32-546.01 prior to January 5, 2017, and (b) high elective office means a member of the Legislature, an elective office described in Article IV, section 1 or 20, or Article VII, section 3 or 10, of the Constitution of Nebraska, or a county, city, community college area, learning community, regional metropolitan transit authority, or school district elective office.

Sec. 6. Section 81-1414.07, Reissue Revised Statutes of Nebraska, is amended to read:

81-1414.07 (1)(a) In order to maintain his or her professional status and serve the law enforcement profession, the community, and the residents of Nebraska, each law enforcement officer shall attend continuing education courses in the areas of criminal justice and law enforcement as provided in this section.

(b) A law enforcement officer is not required to meet the continuing education requirements in the year in which he or she first becomes fully certified.

(c) A law enforcement officer may retire from service in good standing without meeting the continuing education requirements in the calendar year of the officer's retirement.

(d) The requirements of this section do not apply to a noncertified conditional officer.

(2)(a) Each calendar year, a law enforcement officer shall attend at least:

(i) For a law enforcement officer employed by a law enforcement agency that employs less than twenty-five full-time law enforcement officers, twenty-four hours of continuing education; and

(ii) For a law enforcement officer employed by a law enforcement agency that employs twenty-five or more full-time law enforcement officers, thirty-two hours of continuing education.

(b) Such annual continuing education shall include:

(i) A refresher course on de-escalation;

(ii) A minimum of two hours of anti-bias and implicit bias training;

(iii) Firearms training;

(iv) Officer wellness training;

(v) Legal update training, including, but not limited to, legislative changes and First Amendment and Fourth Amendment issues; and

(vi) Any other training as determined by a law enforcement agency.

(3)(a) At least once in each three-calendar-year period, a law enforcement officer shall attend continuing education that includes:

(i) Refresher courses on mental health and substance abuse issues; and

(ii) A review of vehicular pursuit policies.

(b) The continuing education hours required by this subsection are counted for purposes of the required hours under subsection (2) of this section.

(4) Continuing education courses may be offered in the form of seminars, advanced education which may include college or university classes, conferences, instruction conducted within the law enforcement officer's law enforcement agency, or instruction conducted over the Internet. Continuing education shall be of a type which has application to and seeks to maintain and improve the skills of the law enforcement officer in carrying out his or her duties and responsibilities.

Sec. 7. Sections 6 and 9 of this act become operative on January 1, 2027. The other sections of this act become operative on their effective date.

Sec. 8. Original sections 23-1717 and 23-1719, Reissue Revised Statutes of Nebraska, and sections 23-1701, 23-1701.01, and 32-604, Revised Statutes Cumulative Supplement, 2024, are repealed.

Sec. 9. Original section 81-1414.07, Reissue Revised Statutes of Nebraska, is repealed.

PRESIDENT OF THE LEGISLATURE

THIS IS TO CERTIFY that the within LB 784 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