

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 276

Introduced by McKinney, 11.

Read first time January 15, 2025

Committee:

1 A BILL FOR AN ACT relating to law enforcement; to amend sections 29-411,
2 81-1414.15, and 81-1414.19, Reissue Revised Statutes of Nebraska; to
3 adopt the Municipal Police Oversight Act; to require city and county
4 attorneys and the Attorney General to maintain public Brady and
5 Giglio lists; to prohibit no-knock search and arrest warrants; to
6 define a term; to change provisions relating to law enforcement
7 officer records; to harmonize provisions; to provide a duty for the
8 Revisor of Statutes; to repeal the original sections; and to declare
9 an emergency.
10 Be it enacted by the people of the State of Nebraska,

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

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

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

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

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

20 **Sec. 4.** On or before January 1, 2028, each city shall, by
21 ordinance, create a citizen police oversight board. The ordinance shall
22 specify the composition, jurisdiction, and powers of the oversight board
23 as provided in the Municipal Police Oversight Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 **Sec. 17.** (1) Beginning September 1, 2025, each city attorney and
16 county attorney and the Attorney General shall maintain a Brady and
17 Giglio list in accordance with this section. The list shall identify law
18 enforcement officers who, due to misconduct or otherwise, have impaired
19 their own credibility such that disclosure to the defendant is required
20 under Brady v. Maryland, 373 U.S. 83 (1963), and Giglio v. United States,
21 405 U.S. 150 (1972), and subsequent cases of the Supreme Court of the
22 United States and the Supreme Court of Nebraska. The list shall contain a
23 description of the reason disclosure is required.

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

29 (3) On or before September 1, 2025, the Nebraska Commission on Law
30 Enforcement and Criminal Justice shall adopt and promulgate rules and
31 regulations to carry out this section, including, but not limited to,

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

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

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

21 **Sec. 19.** (1) For purposes of this section, no-knock warrant means
22 an arrest warrant or a search warrant authorizing entry into any dwelling
23 house or other building that expressly authorizes a peace officer to
24 dispense with the requirement to knock and announce the peace officer's
25 presence prior to the execution of the warrant.

26 (2) No judge or magistrate shall issue a no-knock warrant.

27 **Sec. 20.** Section 81-1414.15, Reissue Revised Statutes of Nebraska,
28 is amended to read:

29 81-1414.15 (1) The chief of police, sheriff, Superintendent of Law
30 Enforcement and Public Safety, or the head administrator of a law
31 enforcement agency or an agency employing a law enforcement officer shall

1 submit a personnel change in status form as approved by the council to
2 the director of the training center within seven calendar days after the
3 date a law enforcement officer is hired by the agency or leaves
4 employment with the agency.

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

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

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

1 (5) Failure to comply with this section shall constitute neglect of
2 duty.

3 **Sec. 21.** Section 81-1414.19, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 81-1414.19 (1) ~~The on or before July 1, 2022,~~ the commission shall
6 post on its public website a list of all law enforcement officers who
7 have, on or after January 1, 2021:

8 (a) Voluntarily surrendered their certifications or had their
9 certifications revoked;

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

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

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

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

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

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

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

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

30 (4) Any ~~(3) Beginning July 1, 2022,~~ any time a law enforcement
31 officer voluntarily surrenders such officer's certification, has such

1 certification revoked, or is adjudicated by the council to have engaged
2 in serious misconduct, the council shall notify the commission within
3 thirty days after such surrender, revocation, or adjudication.

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

8 **Sec. 22.** The Revisor of Statutes shall assign sections 1 to 16 of
9 this act to Chapter 18.

10 **Sec. 23.** Original sections 29-411, 81-1414.15, and 81-1414.19,
11 Reissue Revised Statutes of Nebraska, are repealed.

12 **Sec. 24.** Since an emergency exists, this act takes effect when
13 passed and approved according to law.