

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 881

Introduced by Guereca, 7; Juarez, 5.

Read first time January 08, 2026

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to immigration; to require law enforcement
- 2 agencies, jails, and the Nebraska State Patrol to receive approval
- 3 prior to entering into agreements to enforce immigration law; to
- 4 state legislative findings; to define terms; to require notice and
- 5 public hearings; to require reports; to provide powers and duties
- 6 for the Nebraska Commission on Law Enforcement and Criminal Justice;
- 7 and to provide for civil actions.
- 8 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** The Legislature finds and declares that:

2 (1) Law enforcement agencies or jails entering into agreements with
3 other agencies to enforce immigration law or to investigate, interrogate,
4 detain, detect, or arrest persons for immigration enforcement purposes
5 pursuant to such agreement is a matter of statewide concern; and

6 (2) The public is entitled to receive notice and have an opportunity
7 to be heard concerning such agreements.

8 **Sec. 2.** For purposes of sections 1 to 5 of this act:

9 (1) Commission means the Nebraska Commission on Law Enforcement and
10 Criminal Justice;

11 (2)(a) Immigration enforcement agreement means an agreement or
12 memorandum of understanding between a jail, a law enforcement agency, or
13 the Nebraska State Patrol and any other public entity, pursuant to which
14 the jail, agency, or patrol will enforce immigration law or investigate,
15 interrogate, detain, detect, or arrest persons for immigration
16 enforcement purposes.

17 (b) Immigration enforcement agreement does not include an agreement
18 between public entities, including the United States Department of
19 Homeland Security, relating to investigating violations of laws
20 prohibiting human trafficking or enforcing such laws;

21 (3) Jail includes a city or county jail;

22 (4) Law enforcement agency means a police department, a town
23 marshal, or the office of sheriff, but does not include the Nebraska
24 State Patrol;

25 (5) Local governing body means the governing body of a political
26 subdivision that oversees a law enforcement agency or jail;

27 (6) Meeting has the same meaning as in section 84-1409; and

28 (7) Public entity means the United States, any state, county, or
29 municipality, and any branch, subdivision, board, commission, department,
30 agency, or other instrumentality of such entities.

31 **Sec. 3.** (1)(a) Beginning July 1, 2026, a law enforcement agency or

1 jail shall not enter into an immigration enforcement agreement without
2 first notifying the appropriate local governing body and receiving
3 approval as provided in this section.

4 (b) The law enforcement agency or jail shall provide written notice
5 to the local governing body pertaining to the proposed agreement. The
6 notice shall be provided at least thirty days before the agreement would
7 go into effect.

8 (2) If a law enforcement agency or jail entered into an immigration
9 enforcement agreement prior to July 1, 2026, the agreement shall
10 automatically terminate on December 1, 2026, and thereafter be void and
11 unenforceable, unless:

12 (a) On or before October 15, 2026, the agency or jail provides
13 written notice to the appropriate local governing body pertaining to such
14 agreement; and

15 (b) The local governing body approves the agreement as provided in
16 this section.

17 (3)(a) When a local governing body receives a notice under this
18 section, the local governing body shall include the notice in the agenda
19 of subjects of the next regularly scheduled public meeting of the local
20 governing body at which the public has the right to attend and speak.

21 (b) Following such hearing, the local governing body may approve or
22 disapprove the immigration enforcement agreement.

23 (c) If the local governing body approves the agreement following a
24 public meeting conducted in compliance with the Open Meetings Act, the
25 law enforcement agency or jail may enter into such agreement. If the
26 local governing body does not approve the agreement or this section is
27 otherwise not complied with, the law enforcement agency or jail shall not
28 enter into the agreement.

29 (4) Any immigration enforcement agreement entered into in violation
30 of this section is void and unenforceable.

31 (5) Within sixty days after entering into an immigration enforcement

1 agreement as provided for in this section, a law enforcement agency or
2 jail shall provide the following information to the commission:

3 (a) A written copy of any such agreement;

4 (b) A written copy of the notice delivered under subsection (1) or
5 (2) of this section; and

6 (c) A written copy of minutes of any public meeting pertaining to
7 the agreement as provided in section 84-1413.

8 **Sec. 4.** (1)(a) Beginning July 1, 2026, the Nebraska State Patrol
9 shall not enter into an immigration enforcement agreement without first
10 notifying the commission and receiving approval as provided in this
11 section.

12 (b) The patrol shall provide written notice to the commission
13 pertaining to the proposed agreement. The notice shall be provided at
14 least thirty days before the agreement would go into effect.

15 (2)(a) If the patrol entered into an immigration enforcement
16 agreement prior to July 1, 2026, the agreement shall automatically
17 terminate on December 1, 2026, and thereafter be void and unenforceable,
18 unless:

19 (a) On or before October 15, 2026, the patrol provides written
20 notice to the commission pertaining to such agreement; and

21 (b) The commission approves the agreement as provided in this
22 section.

23 (3)(a) When the commission receives a notice under this section, the
24 commission shall include the notice in the agenda of subjects of the next
25 regularly scheduled public meeting of the commission at which the public
26 has the right to attend and speak.

27 (b) Following such hearing, the commission may approve or disapprove
28 the immigration enforcement agreement.

29 (c) If the commission approves the agreement following a public
30 meeting conducted in compliance with the Open Meetings Act, the patrol
31 may enter into such agreement. If the commission does not approve the

1 agreement or this section is otherwise not complied with, the patrol
2 shall not enter into the agreement.

3 (4) Any immigration enforcement agreement entered into in violation
4 of this section is void and unenforceable.

5 (5) Within sixty days after entering into an immigration enforcement
6 agreement as provided for in this section, the patrol shall provide the
7 commission with a written copy of such agreement.

8 **Sec. 5.** A violation of section 3 or 4 of this act shall be
9 considered a violation of the Open Meetings Act. Any resident of this
10 state may file a civil action in district court as provided in section
11 84-1414 for the purpose of requiring compliance with or preventing
12 violations of such sections.