

February 26, 1996 LB 1055

make a comment. I was so concerned about getting that material about retirees and some others out of the bill that the rest of this textural matter didn't register with me that much. But after Senator Beutler's discussion, and he had pursued it even further with me, I think there might be a necessity to add some additional language in this part that talks about the qualification and the type of weapon that would be used and so forth. But I am disturbed by the issue raised in the amendment you have before us now. Based on the way this amendment is drafted, an officer could show that he or she is unable, not only to strike "Q", but the broad side of a barn, and would still be allowed to maintain peace officer status, if whoever ran his or her outfit determined that to be the case. Isn't that so?

SENATOR SCHMITT: Yes, Senator Chambers, I see where you're reading that into it, although I guess I felt that it should be also by the qualifications of the training center.

SENATOR CHAMBERS: But, no, the status is...

SENATOR SCHMITT: Right.

SENATOR CHAMBERS: ...the status is determined by whoever heads the agen...the law enforcement agency for which the person works. And if that person who could not qualify hap.... Let me ask you a question before I make this comment. A chief of police is a sworn officer. A sheriff is a sworn officer. Are the chief and the sheriff required to qualify also?

SENATOR SCHMITT: They would be now, under this bill, yes.

SENATOR CHAMBERS: And if they...

SENATOR SCHMITT: Right now they're not.

SENATOR CHAMBERS: If they fail to qualify and they are the heads of their agencies, there is nobody, under this law, who could determine that they will lose their peace officer status. Isn't that true?

SENATOR SCHMITT: That's probably correct, yes, the way that's written. I understand where you're coming from, yes.