

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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LB 205

on LB 205.

SENATOR SCHMITT: Yes, Mr. Speaker, members, LB 205 was introduced to correct some minor problem with a bill introduced and passed in 1996. LB 1055 implemented annual firearms qualifications for all law enforcement officers in the state and at the time we felt we had a good bill. However, the Attorney General identified several problems in an Opinion released last August. The concerns raised by the Attorney General are whether the director of Law Enforcement Training Center has the authority, under statute, to waive the qualification requirement in cases where an officer is disabled and unable to shoot. The Attorney General said "no". Whether the director of Law Enforcement Training Center has the authority, under statute, to determine the law enforcement status of an officer who fails to qualify, the Attorney General said that the statute does not provide a clear answer to that question. Whether the director of the Law Enforcement Training Center has the authority, under statute, to tell an agency whose officer fails to qualify that those officers cannot carry a handgun, the Attorney General says the director not have...does not have that authority under the current statute. And whether the statute diminishes the role of the Police Standards Advisory Council and the Opinion says not really. LB 205 was drafted in response to the Attorney General's Opinion and at the request of the Police Standards Advisory Council and the director of the Law Enforcement Training Center. And the four main points of the bill are to clarify that yearly firearms qualifications will be done on the primary handgun carried by the law enforcement officer while he or she is on duty. LB 205 makes the Police Standards Advisory Council responsible for adopting and promulgating rules and regulations determining the status of the limitations placed on a law enforcement officer who fails to qualify. The council will adopt and promulgate rules and regulations allowing a waiver of the handgun qualification in extreme hardship cases. The Police Standards Advisory Council will adopt and promulgate rules and regulations concerning the handguns to be used in the qualifications where an officer doesn't use a handgun while on duty. And the Police Standards Advisory Council will adopt and promulgate rules and regulations concerning submission of a register the (sic) officer in each law enforcement agency and their qualification status, and can fine any agency who fails to