

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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FLOOR DEBATE

March 8, 2005 LB 115

CLERK: LB 115, introduced by Senator Friend. (Read title.)
Introduced on January 6, referred to the Judiciary Committee,
advanced to General File. I do have committee amendments,
Mr. President. (AM0107, Legislative Journal page 423.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Friend, to
open on LB 115.

SENATOR FRIEND: Thank you. Thank you, Mr. President, members
of the Legislature. LB 115 permits the automatic
decertification of a law enforcement officer upon final
conviction of a felony offense, without necessity of conducting
a hearing under the Administrative Procedures Act. For a little
bit of background, the Nebraska Revised Statutes
Section 81-1403, subsection (6), gives the Police Standards
Advisory Council the authority to revoke or suspend certificates
or diplomas as they issue. And additionally, the Nebraska
Revised Statutes Section 81-1410, subdivision (2)(f),
essentially restricts convicted felons from admission to the law
enforcement training academy. Currently, based on rule and
regulation, the policy...or, excuse me, the Police Standards
Advisory Council and the Crime Commission hold hearings to
decertify officers convicted of felony crimes. This requires
considerable preparation and presentation to conform to both
relevant rule and regulations, as well as Administrative
Procedures Act, this in spite of the fact that a convicted felon
cannot be admitted to the training center without a pardon, and
that essentially most law enforcement agencies would not
intentionally hire a convicted felon. And simply put, I think
LB 115 saves time and resources. With that, I would ask for the
advancement of LB 115. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Friend. You've heard the
opening on LB 115. As stated, there are committee amendments by
the Judiciary Committee. Senator Bourne, as Chairman of the
committee, you're recognized to open.

SENATOR BOURNE: Thank you, Mr. President, members. The
committee amendment makes two changes to the green copy of the
bill. The committee amendment first strikes the language in the
bill denying an individual who has been convicted of a felony