

LEGISLATIVE BILL 894

Approved by the Governor April 2, 2024

Introduced by Ibach, 44; Hughes, 24; Cavanaugh, M., 6.

A BILL FOR AN ACT relating to county sheriffs; to amend sections 23-1701, 23-1701.01, and 32-520, Reissue Revised Statutes of Nebraska, and section 32-604, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to election, appointment, qualification, and training of county sheriffs; to harmonize provisions; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 23-1701, Reissue Revised Statutes of Nebraska, is amended to read:

23-1701 (1) It is the duty of the sheriff to serve or otherwise execute, according to law, and return writs or other legal process issued by lawful authority and directed or committed to the sheriff and to perform such other duties as may be required by law. The county sheriff shall prepare and file the required annual inventory statement of county personal property in his or her custody or possession as provided in sections 23-346 to 23-350.

(2) Except as provided in subsection (3) of this section, a A sheriff elected after November 1986 need not be a resident of the county when he or she files for election as sheriff, but a sheriff shall reside in a county for which he or she holds office.

(3) If there is no county sheriff elected pursuant to section 32-520 or if a vacancy occurs for any other reason, the county board of such county may appoint a law enforcement officer qualified pursuant to section 23-1701.01 from any Nebraska county to the office of county sheriff. In making such appointment, the county board shall enter into a contract with the appointed county sheriff, such contract to specify the terms and conditions of the appointment, including the compensation of the appointed county sheriff, which compensation shall not be subject to sections 23-1114.02 to 23-1114.06.

Sec. 2. Section 23-1701.01, Reissue Revised Statutes of Nebraska, is amended to read:

23-1701.01 (1) Any candidate for the office of sheriff and any sheriff appointed under subsection (3) of section 23-1701 shall possess ~~who does not have~~ a law enforcement officer certificate or diploma issued by the Nebraska Commission on Law Enforcement and Criminal Justice. ~~A shall submit with the candidate filing form required by section 32-607 a standardized letter issued by the director of the Nebraska Law Enforcement Training Center certifying that the candidate or appointee was duly issued such certificate or diploma shall be filed by a candidate with the candidate filing form required by section 32-607 and by an appointee with the contract entered into under section 23-1701. has:~~

~~(a) Within one calendar year prior to the deadline for filing the candidate filing form, passed a background investigation performed by the Nebraska Law Enforcement Training Center based on a check of his or her criminal history record information maintained by the Federal Bureau of Investigation through the Nebraska State Patrol. The candidate who has not passed a background investigation shall apply for the background investigation at least thirty days prior to the filing deadline for the candidate filing form; and~~

~~(b) Received a minimum combined score on the reading comprehension and English language portions of an adult basic education examination designated by the Nebraska Law Enforcement Training Center.~~

(2) Each sheriff shall attend the Sheriff's Certification Course conducted by the Nebraska Law Enforcement Training Center and obtain receive a certificate awarded by the Nebraska Commission on Law Enforcement and Criminal Justice attesting to satisfactory completion of such course the Sheriff's Certification Course within eight months after taking office unless such sheriff has already been awarded a certificate by the commission Nebraska Commission on Law Enforcement and Criminal Justice attesting to satisfactory completion of such course or unless such sheriff can demonstrate to the Nebraska Police Standards Advisory Council that his or her previous training and education is such that he or she will professionally discharge the duties of the office. Any sheriff in office prior to July 19, 1980, shall not be required to obtain a certificate awarded by the commission attesting to satisfactory completion of the Sheriff's Certification Course but shall otherwise be subject to this section.

(3) Each sheriff shall attend continuing education as provided in section 81-1414.07 each year following the first year of such sheriff's term of office.

(4) Unless a sheriff is able to show good cause for not complying with subsection (2) or (3) of this section or obtains a waiver of the training requirements from the council, any sheriff who violates subsection (2) or (3) of this section shall be punished by a fine equal to such sheriff's monthly salary. Each month in which such violation occurs shall constitute a separate offense.

Sec. 3. Section 32-520, Reissue Revised Statutes of Nebraska, is amended to read:

32-520 Except as provided in section 23-1701, a A county sheriff shall be elected in each county at the statewide general election in 1990 and each four years thereafter. The term of the county sheriff shall be four years or until his or her successor is elected and qualified. The county sheriff shall meet the qualifications found in sections 23-1701 and 23-1701.01. The county sheriff shall be elected on the partisan ballot.

Sec. 4. Section 32-604, Revised Statutes Cumulative Supplement, 2022, is amended to read:

32-604 (1) Except as provided in subsection (2) or (4) of this section, no person shall be precluded from being elected or appointed to or holding an elective office for the reason that he or she has been elected or appointed to or holds another elective office.

(2) No person serving as a member of the Legislature or in an elective office described in Article IV, section 1 or 20, or Article VII, section 3 or 10, of the Constitution of Nebraska shall simultaneously serve in any other elective office, except that such a person may simultaneously serve in another elective office which is filled at an election held in conjunction with the annual meeting of a public body.

(3) Whenever an incumbent serving as a member of the Legislature or in an elective office described in Article IV, section 1 or 20, or Article VII, section 3 or 10, of the Constitution of Nebraska assumes another elective office, except an elective office filled at an election held in conjunction with the annual meeting of a public body, the office first held by the incumbent shall be deemed vacant.

(4) No person serving in a high elective office shall simultaneously serve in any other high elective office, except that (a) a county attorney may serve as the county attorney for more than one county if appointed under subsection (2) of section 23-1201.01 and (b) a county sheriff may serve as the county sheriff for more than one county if appointed under subsection (3) of section 23-1701.

(5) Notwithstanding subsection (4) of this section, any person holding more than one high elective office upon July 15, 2010, shall be entitled to serve the remainder of all terms for which he or she was elected or appointed.

(6) For purposes of this section, (a) elective office has the meaning found in section 32-109 and includes an office which is filled at an election held in conjunction with the annual meeting of a public body created by an act of the Legislature but does not include a member of a learning community coordinating council appointed pursuant to subsection (5) or (7) of section 32-546.01 prior to January 5, 2017, and (b) high elective office means a member of the Legislature, an elective office described in Article IV, section 1 or 20, or Article VII, section 3 or 10, of the Constitution of Nebraska, or a county, city, community college area, learning community, regional metropolitan transit authority, or school district elective office.

Sec. 5. Original sections 23-1701, 23-1701.01, and 32-520, Reissue Revised Statutes of Nebraska, and section 32-604, Revised Statutes Cumulative Supplement, 2022, are repealed.