

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 746

FINAL READING

Introduced by Giese, 17; Council, 11; Mello, 5; Nordquist, 7;
White, 8; Cook, 13.

Read first time January 06, 2010

Committee: Judiciary

A BILL

1 FOR AN ACT relating to civil rights; to amend sections 20-504 and
2 20-506, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to racial profiling; to change the
4 membership of the Racial Profiling Advisory Committee; to
5 change and provide powers and duties; and to repeal the
6 original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 20-504, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 20-504 (1) On or before January 1, 2002, the Nebraska
4 State Patrol, the county sheriffs, all city and village police
5 departments, and any other law enforcement agency in this state
6 shall adopt a written policy that prohibits the detention of any
7 person or a motor vehicle stop when such action is motivated by
8 racial profiling and the action would constitute a violation of the
9 civil rights of the person.

10 (2) With respect to a motor vehicle stop, on and after
11 January 1, 2002, and until January 1, ~~2010~~, 2014, the Nebraska
12 State Patrol, the county sheriffs, all city and village police
13 departments, and any other law enforcement agency in this state
14 shall record and retain the following information using the form
15 developed and promulgated pursuant to section 20-505:

16 (a) The number of motor vehicle stops;

17 (b) The characteristics of race or ethnicity of the
18 person stopped. The identification of such characteristics shall
19 be based on the observation and perception of the law enforcement
20 officer responsible for reporting the motor vehicle stop and the
21 information shall not be required to be provided by the person
22 stopped;

23 (c) If the stop is for a law violation, the nature of the
24 alleged law violation that resulted in the motor vehicle stop;

25 (d) Whether a warning or citation was issued, an arrest

1 made, or a search conducted as a result of the motor vehicle stop.
2 Search does not include a search incident to arrest or an inventory
3 search; and

4 (e) Any additional information that the Nebraska
5 State Patrol, the county sheriffs, all city and village police
6 departments, or any other law enforcement agency in this state, as
7 the case may be, deems appropriate.

8 (3) The Nebraska Commission on Law Enforcement and
9 Criminal Justice may develop a uniform system for receiving
10 allegations of racial profiling. The Nebraska State Patrol, the
11 county sheriffs, all city and village police departments, and
12 any other law enforcement agency in this state shall provide to
13 the commission (a) a copy of each allegation of racial profiling
14 received and (b) written notification of the review and disposition
15 of such allegation. No information revealing the identity of
16 the law enforcement officer involved in the stop shall be used,
17 transmitted, or disclosed in violation of any collective-bargaining
18 agreement provision or personnel rule under which such law
19 enforcement officer is employed. No information revealing the
20 identity of the complainant shall be used, transmitted, or
21 disclosed in the form alleging racial profiling.

22 (4) Any law enforcement officer who in good faith records
23 information on a motor vehicle stop pursuant to this section
24 shall not be held civilly liable for the act of recording
25 such information unless the law enforcement officer's conduct

1 was unreasonable or reckless or in some way contrary to law.

2 (5) On or before October 1, 2002, and annually thereafter
3 until January 1, ~~2010~~, 2014, the Nebraska State Patrol, the
4 county sheriffs, all city and village police departments, and all
5 other law enforcement agencies in this state shall provide to the
6 commission, in such form as the commission prescribes, a summary
7 report of the information recorded pursuant to subsection (2) of
8 this section.

9 (6) On and after January 1, 2002, and until April
10 1, ~~2010~~, 2014, the commission may, within the limits of its
11 existing appropriations, provide for a review of the prevalence
12 and disposition of motor vehicle stops based on racial profiling
13 and allegations reported pursuant to this section. The results of
14 such review shall be reported annually to the Governor and the
15 Legislature beginning on or before April 1, 2004, until April 1,
16 ~~2010~~, 2014.

17 Sec. 2. Section 20-506, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 20-506 (1) The Racial Profiling Advisory Committee is
20 created.

21 ~~(2)~~ (2) (a) The committee shall consist of: ~~the~~

22 (i) The executive director of the Nebraska Commission
23 on Law Enforcement and Criminal Justice, who also shall be the
24 chairperson of the committee; ~~and~~

25 (ii) The Superintendent of Law Enforcement and Public

1 Safety or his or her designee;

2 (iii) The director of the Commission on Latino-Americans
3 or his or her designee; and

4 (iv) The executive director of the Commission on Indian
5 Affairs or his or her designee.

6 (b) The committee shall also consist of the following
7 persons, each appointed by the Governor from a list of three names
8 submitted to the Governor for each position:

9 ~~(a) (i) A representative appointed by of the Fraternal~~
10 ~~Order of Police;~~

11 ~~(b) (ii) A representative appointed by of the Nebraska~~
12 ~~County Sheriffs Association;~~

13 ~~(c) (iii) A representative appointed by of the Police~~
14 ~~Officers Association of Nebraska;~~

15 ~~(d) (iv) A representative appointed by of the American~~
16 ~~Civil Liberties Union of Nebraska;~~

17 ~~(e) A representative appointed by the Nebraska State~~
18 ~~Patrol;~~

19 ~~(f) (v) A representative appointed by of the AFL-CIO; and~~

20 ~~(g) (vi) A representative appointed by of the Police~~
21 ~~Chiefs Association of Nebraska;~~

22 (vii) A representative of the Nebraska branches of the
23 National Association for the Advancement of Colored People; and

24 (viii) A representative of the Nebraska State Bar
25 Association appointed by the Governor from a list of attorneys

1 submitted by the executive council of the Nebraska State Bar
2 Association.

3 (3) The committee shall meet and organize within thirty
4 days after the appointment of the members. The committee shall
5 meet ~~quarterly~~ semiannually at a time and place to be fixed by the
6 committee. Special meetings may be called by the chairperson or at
7 the request of two or more members of the committee.

8 (4) The committee shall advise the executive director
9 of the commission in the conduct of his or her duties regarding
10 the review required pursuant to subsection (6) of section 20-504,
11 provide an analysis of the review, and make policy recommendations
12 with respect to racial profiling.

13 Sec. 3. Original sections 20-504 and 20-506, Reissue
14 Revised Statutes of Nebraska, are repealed.