

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 144

Introduced by Avery, 28.

Read first time January 09, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to public records; to amend section 79-8,109,
2 Reissue Revised Statutes of Nebraska; to provide for
3 records of certain disciplinary actions against law
4 enforcement officers to be a public record and for
5 records of certain disciplinary actions against public
6 school district teachers, administrators, or full-time
7 employees to be accessible; and to repeal the original
8 section.

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

1 Section 1. Any record of disciplinary action which is
2 final in the personnel file of a town marshal, a chief of police
3 or a local police officer, a sheriff or a deputy sheriff, a deputy
4 state sheriff, a special deputy sheriff, the Superintendent of Law
5 Enforcement and Public Safety, an officer of the Nebraska State
6 Patrol, a carrier enforcement officer, a Game and Parks Commission
7 conservation officer, or any other person with similar authority to
8 make arrests under authority granted by this state or by any of its
9 political subdivisions, for misconduct involving physical or sexual
10 abuse, shall be a public record.

11 Sec. 2. Section 79-8,109, Reissue Revised Statutes, is
12 amended to read:

13 79-8,109 Any teacher, administrator, or full-time
14 employee of any public school district shall, upon his or her
15 request, have access to his or her personnel file maintained by the
16 district and shall have the right to attach a written response to
17 any item in such file. Such teacher, administrator, or employee may
18 in writing authorize any other person to have access to such file,
19 which authorization shall be honored by the district. Such access
20 and right to attach a written response shall not be granted with
21 respect to any letters of recommendation solicited by the employer
22 which appear in the personnel file. No other person, except school
23 officials while engaged in their professional duties, shall be
24 granted access to such personnel file, and the contents thereof
25 shall not be divulged in any manner to any unauthorized person,

1 except for records in such personnel file regarding disciplinary
2 action taken by the public school district's administration against
3 a teacher, administrator, or full-time employee involving any
4 event, occurrence, or act which was deemed to be in violation of
5 public school district policy or rule or state law.

6 Sec. 3. Original section 79-8,109, Reissue Revised
7 Statutes of Nebraska, is repealed.