

AMENDMENTS TO LB 817

Introduced by Harr

1           1. Insert the following new sections:

2           Section 1. Section 23-1701.01, Reissue Revised Statutes  
3 of Nebraska, is amended to read:

4           23-1701.01 (1) Any candidate for the office of sheriff  
5 who does not have a law enforcement officer certificate or diploma  
6 issued by the Nebraska Commission on Law Enforcement and Criminal  
7 Justice shall submit with the candidate filing form required by  
8 section 32-607 a standardized letter issued by the director of  
9 the Nebraska Law Enforcement Training Center certifying that the  
10 candidate has:

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

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

1                   (2) Each sheriff shall attend the Nebraska Law  
2 Enforcement Training Center and receive a certificate attesting  
3 to satisfactory completion of the Sheriff's Certification Course  
4 within eight months ~~of~~ after taking office unless such sheriff  
5 has already been awarded a certificate by the Nebraska Commission  
6 on Law Enforcement and Criminal Justice attesting to satisfactory  
7 completion of such course or unless such sheriff can demonstrate  
8 to the Nebraska Police Standards Advisory Council that his or  
9 her previous training and education is such that he or she will  
10 professionally discharge the duties of the office. Any sheriff  
11 in office prior to July 19, 1980, shall not be required to  
12 obtain a certificate attesting to satisfactory completion of the  
13 Sheriff's Certification Course but shall otherwise be subject to  
14 this section. ~~Each~~ Notwithstanding sections 81-1401 to 81-1414.06  
15 and sections 12 to 15 of this act, each sheriff shall attend  
16 twenty hours of continuing education in criminal justice and law  
17 enforcement courses approved by the council each year following  
18 the first year of such sheriff's term of office. Such continuing  
19 education shall be offered through seminars, advanced education  
20 which may include college or university classes, ~~or~~ conferences,  
21 instruction conducted within the sheriff's office, or instruction  
22 conducted over the Internet, except that instruction conducted  
23 over the Internet shall be limited to ten hours annually, and  
24 shall be of a type which has application to and seeks to maintain  
25 and improve the skills of the sheriffs in carrying out the  
26 responsibilities of their office.

27                   (3) ~~Unless~~ Notwithstanding section 81-1403, unless a

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

7 Sec. 4. Section 81-1401, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 81-1401 For purposes of sections 81-1401 to ~~81-1414~~,  
10 81-1414.06 and sections 12 to 15 of this act, unless the context  
11 otherwise requires:

12 (1) Commission means the Nebraska Commission on Law  
13 Enforcement and Criminal Justice;

14 (2) Council means the Nebraska Police Standards Advisory  
15 Council;

16 (3) Director means the director of the Nebraska Law  
17 Enforcement Training Center;

18 ~~(3)~~ (4) Handgun means any firearm with a barrel less than  
19 sixteen inches in length or any firearm designed to be held and  
20 fired by the use of a single hand;

21 ~~(4)~~ (5) Law enforcement agency means the police  
22 department or the town marshal in incorporated municipalities, the  
23 office of sheriff in unincorporated areas, and the Nebraska State  
24 Patrol;

25 ~~(5)(a)~~ (6)(a) Law enforcement officer means any person  
26 who is responsible for the prevention or detection of crime or  
27 the enforcement of the penal, traffic, or highway laws of the

1 state or any political subdivision of the state for more than one  
2 hundred hours per year and is authorized by law to make arrests and  
3 includes, but is not limited to:

4 (i) A full-time or part-time member of the Nebraska State  
5 Patrol;

6 (ii) A county sheriff;

7 (iii) A full-time, ~~or~~ part-time, or reserve employee of a  
8 county sheriff's office;

9 (iv) A full-time, ~~or~~ part-time, or reserve employee of a  
10 municipal or village police agency; ~~or~~

11 (v) A full-time or part-time Game and Parks Commission  
12 conservation officer;

13 (vi) A full-time or part-time deputy state sheriff; or

14 ~~(v)~~ (vii) A full-time employee of an organized and  
15 paid fire department of any city of the metropolitan class who  
16 is an authorized arson investigator and whose duties consist  
17 of determining the cause, origin, and circumstances of fires or  
18 explosions while on duty in the course of an investigation;

19 (b) Law enforcement officer does not include employees of  
20 the Department of Correctional Services, probation officers under  
21 the Nebraska Probation System, parole officers appointed by the  
22 Parole Administrator, or employees of the Department of Revenue  
23 under section 77-366; and

24 (c) A law enforcement officer shall possess a valid law  
25 enforcement officer certificate or diploma, as established by the  
26 council, in order to be vested with the authority of this section,  
27 but this subdivision does not prohibit an individual from receiving

1 a conditional appointment as an officer pursuant to subsection (2)  
2 of section 81-1414;

3 ~~(6) Director means the director of the Nebraska Law~~  
4 ~~Enforcement Training Center;~~

5 (7) Training academy means the training center or  
6 such other council-approved law enforcement training facility  
7 operated and maintained by a law enforcement agency which offers  
8 certification training that meets or exceeds the certification  
9 training curriculum of the training center;

10 (8) Training center means the Nebraska Law Enforcement  
11 Training Center; and

12 (9) Training school means a public or private institution  
13 of higher education, including the University of Nebraska, the  
14 Nebraska state colleges, and the community colleges of this  
15 state, that offers training in a council-approved pre-certification  
16 course.

17 Sec. 5. Section 81-1403, Revised Statutes Supplement,  
18 2011, is amended to read:

19 81-1403 Subject to review and approval by the commission,  
20 the council shall:

21 (1) Adopt and promulgate rules and regulations for law  
22 enforcement pre-certification, certification, continuing education,  
23 and training requirements. Such rules and regulations may include  
24 the authority to impose a fine on any individual, political  
25 subdivision, or agency who or which violates sections 81-1401 to  
26 81-1414.06 and sections 12 to 15 of this act or any of such  
27 rules and regulations. The fine for each separate violation of

1 sections 81-1401 to 81-1414.06 and sections 12 to 15 of this  
2 act or of any rule or regulation adopted and promulgated by the  
3 council pursuant to such sections shall not exceed either (a) a  
4 one-time maximum fine of five hundred dollars or (b) a maximum  
5 fine of one hundred dollars per day until the individual, political  
6 subdivision, or agency complies with such rules or regulations.  
7 All fines collected pursuant to this subdivision shall be remitted  
8 to the State Treasurer for distribution in accordance with Article  
9 VII, section 5, of the Constitution of Nebraska;

10 (2) Adopt and promulgate rules and regulations for the  
11 operation of the training center;

12 (3) Recommend to the executive director of the commission  
13 the names of persons to be appointed to the position of director of  
14 the training center;

15 (4) Establish requirements for satisfactory completion  
16 of pre-certification programs, certification programs, and advanced  
17 training programs;

18 (5) Issue certificates or diplomas attesting satisfactory  
19 completion of pre-certification programs, certification programs,  
20 and advanced training programs;

21 (6) Revoke or suspend such certificates or diplomas  
22 according to rules and regulations established adopted and  
23 promulgated by the council pursuant to sections 81-1401 to  
24 81-1414.06 and sections 12 to 15 of this act for reasons which  
25 shall include, but not be limited to, (a) incompetence, (b) neglect  
26 of duty, (c) physical, mental, or emotional incapacity, and (d)  
27 final conviction of or pleading guilty or nolo contendere to a

1 felony. The rules and regulations shall provide for revocation of  
2 a ~~certificate holder's~~ certificate without a hearing upon ~~his or~~  
3 ~~her~~ the certificate holder's final conviction of or pleading guilty  
4 or nolo contendere to a felony. For purposes of this subdivision,  
5 felony means a crime punishable by imprisonment for a term of more  
6 than one year or a crime committed outside of Nebraska which would  
7 be punishable by imprisonment for a term of more than one year  
8 if committed in Nebraska. The rules and regulations shall include  
9 a procedure for hearing appeals of any person who feels that the  
10 revocation or suspension of his or her certificate or diploma was  
11 in error;

12 (7) Set the tuition and fees for the training center  
13 and all officers of other training academies not employed by  
14 that training academy's agency. The tuition and fees set for the  
15 training center pursuant to this subdivision shall be adjusted  
16 annually pursuant to the training center budget approved by the  
17 Legislature. All other tuition and fees shall be set in order  
18 to cover the costs of administering sections 81-1401 to ~~81-1414.~~  
19 81-1414.06 and sections 12 to 15 of this act. All tuition and fees  
20 shall be remitted to the State Treasurer for credit to the Nebraska  
21 Law Enforcement Training Center Cash Fund;

22 (8) Annually certify any training academies providing  
23 a basic course of law enforcement training which complies with  
24 the qualifications and standards promulgated by the council and  
25 offering training that meets or exceeds training that is offered  
26 by the training center. The council shall set the maximum  
27 and minimum applicant enrollment figures for training academies

1 training non-agency officers;

2 (9) Extend the programs of the training center throughout  
3 the state on a regional basis;

4 (10) Establish the qualifications, ~~and~~ standards, and  
5 continuing education requirements and provide the training required  
6 by section 81-1439; and

7 (11) Do all things necessary to carry out the purpose of  
8 the training center, except that functional authority for budget  
9 and personnel matters shall remain with the commission.

10 Any administrative fine imposed under this section shall  
11 constitute a debt to the State of Nebraska which may be collected  
12 by lien foreclosure or sued for and recovered in any proper form  
13 of action by the office of the Attorney General in the name  
14 of the State of Nebraska in the district court of the county  
15 where the final agency action was taken. All fines imposed by the  
16 council shall be remitted to the State Treasurer for distribution  
17 in accordance with Article VII, section 5, of the Constitution of  
18 Nebraska.

19 Sec. 6. Section 81-1404, Revised Statutes Supplement,  
20 2011, is amended to read:

21 81-1404 The director of the Nebraska Law Enforcement  
22 Training Center shall devote full time to the duties of the office  
23 and shall not engage in any other business or profession or hold  
24 any other state public office. The director shall be responsible  
25 to the executive director of the commission for the operation of  
26 the training center and the conducting of training programs. The  
27 director of the training center shall:



1           (1) Appoint and remove for cause such employees as may  
2 be necessary for the operation of the training center and delegate  
3 appropriate powers and duties to them;

4           (2) Conduct research for the purpose of evaluating and  
5 improving the effectiveness of law enforcement training programs;

6           (3) Consult with the council on all matters pertaining to  
7 training schools, ~~and~~ training academies, and continuing education;

8           (4) Supervise the administration of the pre-certification  
9 competency test;

10           (5) Ensure that all council rules and regulations  
11 with respect to law enforcement pre-certification, certification,  
12 continuing education, and training requirements are implemented  
13 and ~~followed~~, and complied with and, in that capacity, act as the  
14 director of standards for the council;

15           (6) Advise the council concerning the operation of the  
16 training center, the requirements, as set by the council, for all  
17 training schools and training academies, and the formulation of  
18 training policies and regulations; ~~and~~

19           (7) Issue diplomas to students who successfully complete  
20 the prescribed basic course of study; and-

21           (8) Maintain continuing education records in a central  
22 registry.

23           Sec. 7. Section 81-1406, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25           81-1406 There is hereby created the Nebraska Police  
26 Standards Advisory Council. The council shall be a special standing  
27 committee of the commission with the express purpose of overseeing

1 all training schools and training academies and the operation  
2 of the training center and ensuring that all rules, regulations,  
3 and policies with respect to pre-certification, certification,  
4 continuing education, and training requirements are implemented and  
5 complied with. The council shall act for the commission in all  
6 matters relating to law enforcement training, ~~and~~ the training  
7 center, and continuing education but shall not have any other  
8 powers and duties with respect to the commission or any of its  
9 duties. The council shall conduct regular meetings in order to  
10 carry out its statutory duties.

11           Sec. 8. Section 81-1412.02, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           81-1412.02 The person in charge of any agency employing  
14 law enforcement officers ~~as defined in section 81-1401~~ shall submit  
15 to the council a register of full-time, part-time, and reserve law  
16 enforcement officers employed by his or her agency and whether each  
17 law enforcement officer passed or failed the handgun qualification.  
18 The council shall adopt and promulgate rules and regulations  
19 governing the submission of agency registers. The register shall  
20 include the name of each law enforcement officer, whether the law  
21 enforcement officer passed or failed the handgun qualification,  
22 the name of the instructor who administered the course, the  
23 date of handgun qualification, and the type of handgun used in  
24 handgun qualification. An agency that fails to submit a handgun  
25 qualification register pursuant to this section shall be subject to  
26 a fine of one hundred dollars for each day of noncompliance. All  
27 fines collected under this section shall be remitted to the State

1 Treasurer for credit to the Law Enforcement Improvement Fund.

2           Sec. 9. Section 81-1414, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           81-1414 (1) On and after January 1, 1972, law enforcement  
5 officers already serving under permanent appointment shall not be  
6 required to meet any requirement of subsection (2) of this section  
7 as a condition of tenure or continued employment.

8           (2) On and after January 1, 1972, no person shall  
9 receive appointment as a law enforcement officer unless he or  
10 she has been awarded a certificate or diploma by the commission  
11 attesting to satisfactory completion of the minimum curriculum  
12 of the training center as established by the council or has  
13 been awarded a certificate or diploma attesting to satisfactory  
14 completion of a training program which the council finds equivalent  
15 thereto. Any person who has not been awarded such a certificate  
16 or diploma may receive an appointment conditioned on satisfactory  
17 completion of such training if he or she immediately applies  
18 for admission to the training center or any training academy  
19 and enrolls in the next available basic training class. If such  
20 training is not completed within one year after the appointment,  
21 the person's employment shall not be renewed by a political  
22 subdivision appointment or otherwise and such person shall no  
23 longer be recognized as a law enforcement officer, as defined in  
24 section 81-1401, except that in cases of extreme hardship, upon  
25 application by the officer, the council may grant a waiver to  
26 allow the officer to complete the basic training program as soon  
27 as is practicable after the one-year time allowance. Any individual

1 who is not certified in accordance with this section and has  
2 worked as a law enforcement officer for multiple law enforcement  
3 agencies or political subdivisions shall have his or her time  
4 of employment aggregated in order to determine if he or she has  
5 worked for more than one year. If that law enforcement officer's  
6 aggregate time of employment exceeds one year, that officer shall  
7 not be recognized as a law enforcement officer for any political  
8 subdivision until he or she has satisfactorily completed such  
9 certification training. For purposes of this section, the council  
10 shall deem the successful completion of the federal Bureau of  
11 Indian Affairs basic police training program as administered by  
12 the Federal Law Enforcement Training Center to constitute such  
13 equivalent training, and officers certified by virtue of such  
14 equivalent training may exercise full law enforcement authority  
15 exclusively on tribal lands.

16 (3) Law enforcement officers who are promoted in rank  
17 shall satisfactorily complete such council-approved training within  
18 one year of such promotion.

19 (4) At the direction of the council, the director shall  
20 issue a certificate or diploma attesting to a compliance with  
21 the requirements of subsection (2) or (3) of this section to any  
22 applicant who presents evidence of satisfactory completion of a  
23 council-approved training program.

24 Sec. 10. Section 81-1414.04, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 81-1414.04 There is hereby created, for the use of  
27 the ~~Nebraska Commission on Law Enforcement and Criminal Justice,~~

1 commission, a fund to be known as the Nebraska Law Enforcement  
2 Training Center Fund, to consist of such money as appropriated  
3 to such fund by the Legislature. Any money in the fund available  
4 for investment shall be invested by the state investment officer  
5 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
6 State Funds Investment Act.

7           Sec. 11. Section 81-1414.05, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           81-1414.05 The proceeds of the Nebraska Law Enforcement  
10 Training Center Fund ~~created by section 81-1414.04~~ shall be  
11 expended by the ~~Nebraska Commission on Law Enforcement and Criminal~~  
12 ~~Justice,~~ commission, as and when appropriated by the Legislature,  
13 to be used for the costs and payments to be made by the State of  
14 Nebraska to the city of Grand Island for the use by the state of  
15 such building or facility or portion thereof, and equipping the  
16 same.

17           Sec. 12. (1) In order to maintain his or her professional  
18 status and serve the law enforcement profession, the community,  
19 and the residents of Nebraska, each law enforcement officer shall  
20 attend at least twenty hours of continuing education courses in  
21 the areas of criminal justice and law enforcement during each  
22 calendar year beginning on January 1 and ending on December 31.  
23 A law enforcement officer is not required to meet the continuing  
24 education requirements in the year in which he or she first becomes  
25 fully certified.

26           (2) Continuing education courses may be offered in the  
27 form of seminars, advanced education which may include college or

1 university classes, conferences, instruction conducted within the  
2 law enforcement officer's law enforcement agency, or instruction  
3 conducted over the Internet, except that instruction conducted over  
4 the Internet shall be limited to ten hours annually, and shall  
5 be of a type which has application to and seeks to maintain and  
6 improve the skills of the law enforcement officer in carrying out  
7 his or her duties and responsibilities.

8           Sec. 13. Every law enforcement agency of the state or  
9 any of its political subdivisions shall send the director certified  
10 reports, on a form designed by the director, of the completion  
11 of the continuing education requirements by its law enforcement  
12 officers at such time and in such manner and detail as the director  
13 may prescribe. The director shall maintain a record of the reports  
14 in a central registry.

15           Sec. 14. (1) Failure to complete the continuing education  
16 requirements of sections 13 and 14 of this act shall result in the  
17 suspension of a law enforcement officer's certificate or diploma  
18 from the Nebraska Law Enforcement Training Center and a fine  
19 under section 81-1403 until the continuing education is completed,  
20 unless the officer is able to show good cause for not completing  
21 the continuing education requirements or unless a waiver has been  
22 granted.

23           (2) Any law enforcement officer who fails to fulfill  
24 his or her continuing education requirements for two consecutive  
25 reporting periods may have his or her certificate or diploma from  
26 the Nebraska Law Enforcement Training Center revoked and a fine  
27 incurred under section 81-1403, unless the officer is able to show

1 good cause for not completing the continuing education requirements  
2 or unless a waiver has been granted.

3           Sec. 15. The continuing education requirements of  
4 sections 12 to 14 of this act shall be suspended for any law  
5 enforcement officer while he or she is on active duty with the  
6 armed forces of the United States.

7           Sec. 16. Section 81-1439, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           81-1439 (1) The Nebraska Commission on Law Enforcement  
10 and Criminal Justice shall establish minimum physical, mental,  
11 educational, and moral qualifications for all members of any law  
12 enforcement reserve force. The commission shall also establish  
13 ~~minimum~~ training and continuing education standards and be  
14 responsible for providing such training for all members. The  
15 commission shall delegate its responsibilities pursuant to this  
16 section to the Nebraska Police Standards Advisory Council.

17           (2) Individuals appointed to a law enforcement reserve  
18 force shall receive training through or under the supervision of  
19 the Nebraska Law Enforcement Training Center and shall achieve the  
20 minimum training standards within one year ~~from~~ after the date of  
21 appointment. Such training may be provided by the training center  
22 through regional workshops, training sessions, or similar means of  
23 instruction anywhere in the state.

24           (3) Members of the law enforcement reserve force shall be  
25 subject to the same continuing education requirements as all other  
26 law enforcement officers pursuant to sections 81-1401 to 81-1414.06  
27 and sections 12 to 15 of this act.

1           ~~(3)~~ (4) The governing body establishing a law enforcement  
2 reserve force shall adopt and publish a reserve force manual  
3 setting forth the minimum qualifications, training standards,  
4 ~~and standard operating procedures,~~ and continuing education  
5 requirements for such force and such higher qualifications,  
6 standards, and operating procedures as may actually be used.

7           Sec. 17. Sections 2, 3, and 18 of this act become  
8 operative on their effective date. The other sections of this act  
9 become operative on January 1, 2014.

10           Sec. 19. Original sections 23-1701.01, 81-1401, 81-1406,  
11 81-1412.02, 81-1414, 81-1414.04, 81-1414.05, and 81-1439, Reissue  
12 Revised Statutes of Nebraska, and sections 81-1403 and 81-1404,  
13 Revised Statutes Supplement, 2011, are repealed.

14           Sec. 20. The following sections are outright repealed:  
15 Sections 81-1414.01 and 81-1414.02, Reissue Revised Statutes of  
16 Nebraska.