

ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012
COMMITTEE STATEMENT
LB1046

Hearing Date: Thursday February 16, 2012
Committee On: Judiciary
Introducer: Harr
One Liner: Change provisions relating to law enforcement certification and continuing education

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Ashford, Coash, Council, Harr, Larson, Lathrop, Lautenbaugh, McGill
Nay:
Absent:
Present Not Voting:

Proponents:

SEN. BURKE HARR
DAN LAUSTEN
TERRY WAGNER

JEREMY KINSEY
DAVID BAKER

Representing:

INTRODUCER
LAVISTA POLICE
NE SHERIFF'S ASSOCIATION, LANCASTER
COUNTY SHERIFF'S OFFICE
FOP STATE LODGE
OMAHA POLICE DEPT.

Opponents:

Neutral:

WILLIAM MULDOON

Representing:

Representing:
CRIME COMMISSION

Summary of purpose and/or changes:

LB 1046 would make the following changes to the Nebraska Statutes:

Section 1: 23-1701.01 (Candidate for sheriff; requirements; sheriff; attend Sheriff's Certification Course; exception; continuing education; violation; penalty.)

This section is amended to reference sections 10 to 13 of this act throughout this section. This section is also amended to provide that of the 20 hours of continuing education required of the sheriff's office, no more than 10 hours can be obtained over the internet and that hours of instruction for continuing education purposes may be conducted within the sheriff's office.

Section 2: 81-1401 (Terms, defined.)

This section is amended to reference sections 10 to 13 of this act throughout this section. Moves the current definition of Director from(6) to (3) of this section. Finally, this section provides that reserve police officers, full or part-time Games and Parks Commission conservation officers and full or part-time deputy sheriffs are subject to the 20hr continuing education requirements.

Section 3: 81-1403 (Council; duties; administrative fine.)

References 81-1401 to 81-1414.06 and sections 10 to 13 throughout this section, as well as, provides that the Commission on Law Enforcement and Criminal Justice must establish continuing education requirements.

Section 4: 81-1404 (Director of Nebraska Law Enforcement Training Center; duties.)

Amends the requirements of the Director of the Law Enforcement Training Center to require that they consult with the Nebraska Police Advisory Council in establishing continuing education requirements for law enforcement personnel.

Requires the Director of the Law Enforcement Training Center to maintain a continuing education records central registry.

Section 5: 81-1406 (Nebraska Police Standards Advisory Council; created; purpose and duties; meetings.)

Provides that the advisory council shall act on behalf of the Commission on Law Enforcement and Criminal Justice in matters relating to compliance with the continuing education requirements by law enforcement officers.

Section 6: 81-1412.02 (Handgun qualification register; requirements; fine.)

Deletes a reference that defines law enforcement officer as the definition provided under 81-1401.

Section 7: 81-1414 (Law enforcement officers; certificate or diploma; when required; issuance; waiver.)

Deletes a reference that defines law enforcement officer as the definition provided under 81-1401.

Section 8: 81-1414.04 (Nebraska Law Enforcement Training Center Fund; created; deposits; investment.)

Strikes the full use of the name Nebraska Commission on Law Enforcement and Criminal Justice and replaces it with the word "commission".

Section 9: 81-1414.05 (Nebraska Law Enforcement Training Center Fund; proceeds; how expended.)

Strikes reference to the statute that created the Nebraska Law Enforcement Training Center Fund as well as strikes the full use of the name Nebraska Commission on Law Enforcement and Criminal Justice and replaces it with the word "Commission".

Section 10: (Continuing Education Requirements)

Requires law enforcement officers to attend 20 hours of continuing education in the area of criminal justice and law enforcement every year (Jan 1- Dec 31).

Continuing education courses may be taken via seminars, advanced (higher) education, internal agency programs and over the internet. Courses take over the internet is limited to 10 hours and all courses must be of the type that attempts to improve and maintain the skills of the officer in performing their duties.

Section 11: (Duty to Report Continuing Education hour to Director)

Every law enforcement agency in the state would be required to send certified reports of the completion of continuing education requirement by their officers to the Director of the Law Enforcement Training Academy, on forms and in a manner as directed by the director. The Director is required to create a central registry for the information collected.

Section 12: (Failure to Comply with Continuing Education Requirements)

This section provides that failure to complete the requirements under section 11 and 12 of this act results in the suspension of the law enforcement officers certificate or diploma from the Nebraska Law Enforcement Training Center and a fine under section 81-1403. The suspension and fine continues until the education requirement are met or the officer is able to provide good cause for not completing continuing education requirements or a waiver has been granted.

An officer who fails to comply with section 11 and 12 requirements for two consecutive reporting periods may have their certificate or diploma revoked, as well as, receive a fine under section 81-1403, unless they can show good cause for not completing the requirements or they have received a waiver of the continuing education requirements.

Section 13: (Active Duty Waiver)

Provides that continuing education requirements under sections 10 to 12 of this act shall be suspended for any law enforcement officer while they are on active duty.

Section 14: 81-1439 (Law enforcement reserve force; commission; duties; delegation of responsibilities; reserve force manual; contents.)

Requires the Nebraska Commission on Law Enforcement and Criminal Justice to establish continuing education standards for law enforcement reserve officers.

Requires law enforcement reserve officers to be subjected to the same continuing education requirements as required of all other law enforcement officers as contained in sections 81-1401 to 81-1414.06 and sections 10 to 13 of this act.

Section 15: (Provides an operative date for this act of January 1, 2014.)

Brad Ashford, Chairperson