

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 817**

Final Reading

Introduced by Pirsch, 4.

Read first time January 05, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to law enforcement; to amend sections 23-1701.01,  
2 81-1401, 81-1406, 81-1412.02, 81-1414, 81-1414.04,  
3 81-1414.05, and 81-1439, Reissue Revised Statutes of  
4 Nebraska, section 29-2264, Revised Statutes Cumulative  
5 Supplement, 2010, and sections 47-624, 47-627, 81-1403,  
6 and 81-1404, Revised Statutes Supplement, 2011; to  
7 provide for the evidentiary use of certain convictions  
8 regarding certification; to provide, change, and  
9 eliminate duties for the Community Corrections Division  
10 of the Nebraska Commission on Law Enforcement and  
11 Criminal Justice; to change provisions relating to the  
12 uniform crime data analysis system and law enforcement  
13 certification and continuing education; to provide  
14 penalties; to provide powers and duties for the director  
15 of the Nebraska Law Enforcement Training Center and the  
16 Nebraska Police Standards Advisory Council; to eliminate

1           obsolete provisions; to harmonize provisions; to provide  
2           operative dates; to repeal the original sections; and to  
3           outright repeal sections 81-1414.01 and 81-1414.02,  
4           Reissue Revised Statutes of Nebraska.

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

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

3                   23-1701.01 (1) Any candidate for the office of sheriff  
4 who does not have a law enforcement officer certificate or diploma  
5 issued by the Nebraska Commission on Law Enforcement and Criminal  
6 Justice shall submit with the candidate filing form required by  
7 section 32-607 a standardized letter issued by the director of the  
8 Nebraska Law Enforcement Training Center certifying that the  
9 candidate has:

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

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

22                   (2) Each sheriff shall attend the Nebraska Law  
23 Enforcement Training Center and receive a certificate attesting to  
24 satisfactory completion of the Sheriff's Certification Course within  
25 eight months ~~of~~after taking office unless such sheriff has already

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

22 (3) ~~Unless~~ Notwithstanding section 81-1403, unless a  
23 sheriff is able to show good cause for not complying with subsection  
24 (2) of this section or obtains a waiver of the training requirements  
25 from the council, any sheriff who violates subsection (2) of this

1 section shall be punished by a fine equal to such sheriff's monthly  
2 salary. Each month in which such violation occurs shall constitute a  
3 separate offense.

4           Sec. 2. Section 29-2264, Revised Statutes Cumulative  
5 Supplement, 2010, is amended to read:

6           29-2264 (1) Whenever any person is placed on probation by  
7 a court and satisfactorily completes the conditions of his or her  
8 probation for the entire period or is discharged from probation prior  
9 to the termination of the period of probation, the sentencing court  
10 shall issue an order releasing the offender from probation. Such  
11 order in all felony cases shall provide notice that the person's  
12 voting rights are restored two years after completion of probation.  
13 The order shall include information on restoring other civil rights  
14 through the pardon process, including application to and hearing by  
15 the Board of Pardons.

16           (2) Whenever any person is convicted of a misdemeanor or  
17 felony and is placed on probation by the court or is sentenced to a  
18 fine only, he or she may, after satisfactory fulfillment of the  
19 conditions of probation for the entire period or after discharge from  
20 probation prior to the termination of the period of probation and  
21 after payment of any fine, petition the sentencing court to set aside  
22 the conviction.

23           (3) In determining whether to set aside the conviction,  
24 the court shall consider:

25           (a) The behavior of the offender after sentencing;

1                   (b) The likelihood that the offender will not engage in  
2 further criminal activity; and

3                   (c) Any other information the court considers relevant.

4                   (4) The court may grant the offender's petition and issue  
5 an order setting aside the conviction when in the opinion of the  
6 court the order will be in the best interest of the offender and  
7 consistent with the public welfare. The order shall:

8                   (a) Nullify the conviction; and

9                   (b) Remove all civil disabilities and disqualifications  
10 imposed as a result of the conviction.

11                   (5) The setting aside of a conviction in accordance with  
12 the Nebraska Probation Administration Act shall not:

13                   (a) Require the reinstatement of any office, employment,  
14 or position which was previously held and lost or forfeited as a  
15 result of the conviction;

16                   (b) Preclude proof of a plea of guilty whenever such plea  
17 is relevant to the determination of an issue involving the rights or  
18 liabilities of someone other than the offender;

19                   (c) Preclude proof of the conviction as evidence of the  
20 commission of the misdemeanor or felony whenever the fact of its  
21 commission is relevant for the purpose of impeaching the offender as  
22 a witness, except that the order setting aside the conviction may be  
23 introduced in evidence;

24                   (d) Preclude use of the conviction for the purpose of  
25 determining sentence on any subsequent conviction of a criminal

1 offense;

2 (e) Preclude the proof of the conviction as evidence of  
3 the commission of the misdemeanor or felony in the event an offender  
4 is charged with a subsequent offense and the penalty provided by law  
5 is increased if the prior conviction is proved;

6 (f) Preclude the proof of the conviction to determine  
7 whether an offender is eligible to have a subsequent conviction set  
8 aside in accordance with the Nebraska Probation Administration Act;

9 (g) Preclude use of the conviction as evidence of  
10 commission of the misdemeanor or felony for purposes of determining  
11 whether an application filed or a license issued under sections  
12 71-1901 to 71-1906.01 or the Child Care Licensing Act or a  
13 certificate issued under sections 79-806 to 79-815 should be denied,  
14 suspended, or revoked;

15 (h) Preclude use of the conviction as evidence of  
16 incompetence, neglect of duty, physical, mental, or emotional  
17 incapacity, or final conviction of or pleading guilty or nolo  
18 contendere to a felony for purposes of determining whether an  
19 application filed or a certificate issued under sections 81-1401 to  
20 81-1414.06 and sections 13 to 16 of this act should be denied,  
21 suspended, or revoked;

22 ~~(h)~~-(i) Preclude proof of the conviction as evidence  
23 whenever the fact of the conviction is relevant to a determination of  
24 the registration period under section 29-4005; or

25 ~~(i)~~-(j) Relieve a person who is convicted of an offense

1 for which registration is required under the Sex Offender  
2 Registration Act of the duty to register and to comply with the terms  
3 of the act.

4 (6) Except as otherwise provided for the notice in  
5 subsection (1) of this section, changes made to this section by Laws  
6 2005, LB 713, shall be retroactive in application and shall apply to  
7 all persons, otherwise eligible in accordance with the provisions of  
8 this section, whether convicted prior to, on, or subsequent to  
9 September 4, 2005.

10 Sec. 3. Section 47-624, Revised Statutes Supplement,  
11 2011, is amended to read:

12 47-624 The division shall:

13 ~~(1) Develop standards for eligible community correctional~~  
14 ~~facilities and programs in which offenders can participate, taking~~  
15 ~~into consideration the following factors:~~

16 ~~(a) Qualifications of staff;~~

17 ~~(b) Suitability of programs;~~

18 ~~(c) Offender needs;~~

19 ~~(d) Probation population;~~

20 ~~(e) Parole population; and~~

21 ~~(f) Other applicable criminal justice data;~~

22 ~~(2) Develop~~ (1) Collaborate with the Office of Probation  
23 Administration, the Office of Parole Administration, and the  
24 Department of Correctional Services to develop and implement a plan  
25 to establish statewide operation and use of a continuum of community



1 correctional facilities and programs;

2 ~~(3)~~ (2) Develop, in consultation with the probation  
3 administrator and the Parole Administrator, standards for the use of  
4 community correctional facilities and programs by the Nebraska  
5 Probation System and the parole system;

6 ~~(4)~~ (3) Collaborate with the Office of Probation  
7 Administration, the Office of Parole Administration, and the  
8 Department of Correctional Services on the development of additional  
9 reporting centers as set forth in section 47-624.01;

10 ~~(5)~~ (4) Analyze and ~~mandate~~ promote the consistent use of  
11 offender risk assessment tools;

12 ~~(6)~~ (5) Educate the courts, the Board of Parole, criminal  
13 justice system stakeholders, and the general public about the  
14 availability, use, and benefits ~~and use~~ of community correctional  
15 facilities and programs;

16 ~~(7)~~ (6) Enter into and administer contracts, if  
17 necessary, ~~for carrying to carry out~~ the purposes of the Community  
18 Corrections Act;

19 ~~(8)~~ (7) In order to ensure adequate funding for substance  
20 abuse treatment programs, ~~for probationers,~~ consult with the  
21 probation administrator and the Parole Administrator and develop or  
22 assist with the development of programs as provided in subdivision  
23 (14) of section 29-2252 and subdivision (8) of section 83-1,102;

24 ~~(9)~~ In order to ensure adequate funding for substance  
25 ~~abuse treatment programs for parolees, consult with the Office of~~

1 ~~Parole Administration and develop or assist with the development of~~  
2 ~~programs as provided in subdivision (8) of section 83-1,102;~~

3           ~~(10)~~—(8) Study substance abuse and mental health  
4 treatment services in and related to the criminal justice system,  
5 recommend improvements, and evaluate the implementation of  
6 improvements;

7           ~~(11)~~—(9) Research and evaluate existing community  
8 corrections facilities and programs, within the limits of available  
9 funding;

10           ~~(12)~~—(10) Develop standardized definitions of outcome  
11 measures for community corrections facilities and programs,  
12 including, but not limited to, recidivism, employment, and substance  
13 abuse;

14           ~~(13)~~—(11) Report annually to the Legislature and the  
15 Governor on the development and performance of community corrections  
16 facilities and programs. The report shall include the following:

17           (a) A description of community corrections facilities and  
18 programs, ~~endorsed by the division,~~ currently serving offenders in  
19 Nebraska, which includes the following information:

20           (i) The target population and geographic area served by  
21 each facility or program, eligibility requirements, and the total  
22 number of offenders utilizing the facility or program over the past  
23 year;

24           (ii) Services provided to offenders at the facility or in  
25 the program;

1 (iii) The costs of operating the facility or program and  
2 the cost per offender; and

3 (iv) The funding sources for the facility or program;

4 (b) The progress made in expanding community corrections  
5 facilities and programs statewide and an analysis of the need for  
6 additional community corrections services;

7 (c) An analysis of the impact community corrections  
8 facilities and programs have on the number of offenders incarcerated  
9 within the Department of Correctional Services; and

10 (d) The recidivism rates and outcome data for  
11 probationers, parolees, and problem-solving-court clients  
12 participating in community corrections programs;

13 ~~(14)~~ (12) Grant funds to entities including local  
14 governmental agencies, nonprofit organizations, and behavioral health  
15 services which will support the intent of the act;

16 ~~(15) Administer contracts entered into by the division~~  
17 ~~with community correctional facilities or programs;~~

18 (13) Manage all offender data acquired by the division in  
19 a confidential manner and develop procedures to ensure that  
20 identifiable information is not released;

21 ~~(16)~~ (14) Establish and administer grants, projects, and  
22 programs for the operation of the division; and

23 ~~(17)~~ (15) Perform such other duties as may be necessary  
24 to carry out the policy of the state established in the act.

25 Sec. 4. Section 47-627, Revised Statutes Supplement,

1 2011, is amended to read:

2           47-627 The director shall develop and maintain a uniform  
3 crime data analysis system in Nebraska which shall include, but need  
4 not be limited to, the number of offenses, arrests, charges,  
5 probation admissions, probation violations, probation discharges,  
6 participants in specialized community corrections programs,  
7 admissions to and discharges from problem-solving courts, admissions  
8 to and discharges from the Department of Correctional Services,  
9 parole reviews, parole hearings, releases on parole, parole  
10 violations, and parole discharges. The data shall be categorized by  
11 statutory crime. The data shall be collected from the Board of  
12 Parole, the State Court Administrator, the Department of Correctional  
13 Services, the Office of Parole Administration, the Office of  
14 Probation Administration, the Nebraska State Patrol, counties, local  
15 law enforcement, and any other entity associated with criminal  
16 justice. The division and the Supreme Court shall have access to such  
17 data to implement the Community Corrections Act.

18           Sec. 5. Section 81-1401, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           81-1401 For purposes of sections 81-1401 to ~~81-1414,~~  
21 81-1414.06 and sections 13 to 16 of this act, unless the context  
22 otherwise requires:

23           (1) Commission means the Nebraska Commission on Law  
24 Enforcement and Criminal Justice;

25           (2) Council means the Nebraska Police Standards Advisory

1 Council;

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

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

7 ~~(4)~~(5) Law enforcement agency means the police  
8 department or the town marshal in incorporated municipalities, the  
9 office of sheriff in unincorporated areas, and the Nebraska State  
10 Patrol;

11 ~~(5)(a)~~(6)(a) Law enforcement officer means any person  
12 who is responsible for the prevention or detection of crime or the  
13 enforcement of the penal, traffic, or highway laws of the state or  
14 any political subdivision of the state for more than one hundred  
15 hours per year and is authorized by law to make arrests and includes,  
16 but is not limited to:

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

19 (ii) A county sheriff;

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

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

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

1                   (vi) A full-time or part-time deputy state sheriff; or  
2                   ~~(v)-(vii)~~ A full-time employee of an organized and paid  
3 fire department of any city of the metropolitan class who is an  
4 authorized arson investigator and whose duties consist of determining  
5 the cause, origin, and circumstances of fires or explosions while on  
6 duty in the course of an investigation;

7                   (b) Law enforcement officer does not include employees of  
8 the Department of Correctional Services, probation officers under the  
9 Nebraska Probation System, parole officers appointed by the Parole  
10 Administrator, or employees of the Department of Revenue under  
11 section 77-366; and

12                   (c) A law enforcement officer shall possess a valid law  
13 enforcement officer certificate or diploma, as established by the  
14 council, in order to be vested with the authority of this section,  
15 but this subdivision does not prohibit an individual from receiving a  
16 conditional appointment as an officer pursuant to subsection (2) of  
17 section 81-1414;

18                   ~~(6) Director means the director of the Nebraska Law~~  
19 ~~Enforcement Training Center;~~

20                   (7) Training academy means the training center or such  
21 other council-approved law enforcement training facility operated and  
22 maintained by a law enforcement agency which offers certification  
23 training that meets or exceeds the certification training curriculum  
24 of the training center;

25                   (8) Training center means the Nebraska Law Enforcement

1 Training Center; and

2 (9) Training school means a public or private institution  
3 of higher education, including the University of Nebraska, the  
4 Nebraska state colleges, and the community colleges of this state,  
5 that offers training in a council-approved pre-certification course.

6 Sec. 6. Section 81-1403, Revised Statutes Supplement,  
7 2011, is amended to read:

8 81-1403 Subject to review and approval by the commission,  
9 the council shall:

10 (1) Adopt and promulgate rules and regulations for law  
11 enforcement pre-certification, certification, continuing education,  
12 and training requirements. Such rules and regulations may include the  
13 authority to impose a fine on any individual, political subdivision,  
14 or agency who or which violates sections 81-1401 to 81-1414.06 and  
15 sections 13 to 16 of this act or any of such rules and regulations.  
16 The fine for each separate violation of sections 81-1401 to  
17 81-1414.06 and sections 13 to 16 of this act or of any rule or  
18 regulation adopted and promulgated by the council pursuant to such  
19 sections shall not exceed either (a) a one-time maximum fine of five  
20 hundred dollars or (b) a maximum fine of one hundred dollars per day  
21 until the individual, political subdivision, or agency complies with  
22 such rules or regulations. All fines collected pursuant to this  
23 subdivision shall be remitted to the State Treasurer for distribution  
24 in accordance with Article VII, section 5, of the Constitution of  
25 Nebraska;

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

3                   (3) Recommend to the executive director of the commission  
4 the names of persons to be appointed to the position of director of  
5 the training center;

6                   (4) Establish requirements for satisfactory completion of  
7 pre-certification programs, certification programs, and advanced  
8 training programs;

9                   (5) Issue certificates or diplomas attesting satisfactory  
10 completion of pre-certification programs, certification programs, and  
11 advanced training programs;

12                   (6) Revoke or suspend such certificates or diplomas  
13 according to rules and regulations ~~established~~ adopted and  
14 promulgated by the council pursuant to sections 81-1401 to 81-1414.06  
15 and sections 13 to 16 of this act for reasons which shall include,  
16 but not be limited to, (a) incompetence, (b) neglect of duty, (c)  
17 physical, mental, or emotional incapacity, and (d) final conviction  
18 of or pleading guilty or nolo contendere to a felony. The rules and  
19 regulations shall provide for revocation of a ~~certificate holder's~~  
20 certificate without a hearing upon ~~his or her~~ the certificate  
21 holder's final conviction of or pleading guilty or nolo contendere to  
22 a felony. For purposes of this subdivision, felony means a crime  
23 punishable by imprisonment for a term of more than one year or a  
24 crime committed outside of Nebraska which would be punishable by  
25 imprisonment for a term of more than one year if committed in



1 Nebraska. The rules and regulations shall include a procedure for  
2 hearing appeals of any person who feels that the revocation or  
3 suspension of his or her certificate or diploma was in error;

4 (7) Set the tuition and fees for the training center and  
5 all officers of other training academies not employed by that  
6 training academy's agency. The tuition and fees set for the training  
7 center pursuant to this subdivision shall be adjusted annually  
8 pursuant to the training center budget approved by the Legislature.  
9 All other tuition and fees shall be set in order to cover the costs  
10 of administering sections 81-1401 to ~~81-1414.~~ 81-1414.06 and sections  
11 13 to 16 of this act. All tuition and fees shall be remitted to the  
12 State Treasurer for credit to the Nebraska Law Enforcement Training  
13 Center Cash Fund;

14 (8) Annually certify any training academies providing a  
15 basic course of law enforcement training which complies with the  
16 qualifications and standards promulgated by the council and offering  
17 training that meets or exceeds training that is offered by the  
18 training center. The council shall set the maximum and minimum  
19 applicant enrollment figures for training academies training non-  
20 agency officers;

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

23 (10) Establish the qualifications, ~~and standards,~~ and  
24 continuing education requirements and provide the training required  
25 by section 81-1439; and

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

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

12           Sec. 7. Section 81-1404, Revised Statutes Supplement,  
13 2011, is amended to read:

14           81-1404 The director of the Nebraska Law Enforcement  
15 Training Center shall devote full time to the duties of the office  
16 and shall not engage in any other business or profession or hold any  
17 other state public office. The director shall be responsible to the  
18 executive director of the commission for the operation of the  
19 training center and the conducting of training programs. The director  
20 of the training center shall:

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

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

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

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

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

10                  (6) Advise the council concerning the operation of the  
11 training center, the requirements, as set by the council, for all  
12 training schools and training academies, and the formulation of  
13 training policies and regulations; ~~and~~

14                  (7) Issue diplomas to students who successfully complete  
15 the prescribed basic course of study; ~~and -~~

16                  (8) Maintain continuing education records in a central  
17 registry.

18                  Sec. 8. Section 81-1406, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20                  81-1406 There is hereby created the Nebraska Police  
21 Standards Advisory Council. The council shall be a special standing  
22 committee of the commission with the express purpose of overseeing  
23 all training schools and training academies and the operation of the  
24 training center and ensuring that all rules, regulations, and  
25 policies with respect to pre-certification, certification, continuing

1 education, and training requirements are implemented and complied  
2 with. The council shall act for the commission in all matters  
3 relating to law enforcement training, ~~and the training center, and~~  
4 continuing education but shall not have any other powers and duties  
5 with respect to the commission or any of its duties. The council  
6 shall conduct regular meetings in order to carry out its statutory  
7 duties.

8           Sec. 9. Section 81-1412.02, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           81-1412.02 The person in charge of any agency employing  
11 law enforcement officers ~~as defined in section 81-1401~~ shall submit  
12 to the council a register of full-time, part-time, and reserve law  
13 enforcement officers employed by his or her agency and whether each  
14 law enforcement officer passed or failed the handgun qualification.  
15 The council shall adopt and promulgate rules and regulations  
16 governing the submission of agency registers. The register shall  
17 include the name of each law enforcement officer, whether the law  
18 enforcement officer passed or failed the handgun qualification, the  
19 name of the instructor who administered the course, the date of  
20 handgun qualification, and the type of handgun used in handgun  
21 qualification. An agency that fails to submit a handgun qualification  
22 register pursuant to this section shall be subject to a fine of one  
23 hundred dollars for each day of noncompliance. All fines collected  
24 under this section shall be remitted to the State Treasurer for  
25 credit to the Law Enforcement Improvement Fund.

1                   Sec. 10. Section 81-1414, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   81-1414 (1) On and after January 1, 1972, law enforcement  
4 officers already serving under permanent appointment shall not be  
5 required to meet any requirement of subsection (2) of this section as  
6 a condition of tenure or continued employment.

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

1 Any individual who is not certified in accordance with this section  
2 and has worked as a law enforcement officer for multiple law  
3 enforcement agencies or political subdivisions shall have his or her  
4 time 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 not  
7 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 Indian  
11 Affairs basic police training program as administered by the Federal  
12 Law Enforcement Training Center to constitute such equivalent  
13 training, and officers certified by virtue of such equivalent  
14 training may exercise full law enforcement authority exclusively on  
15 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 the  
21 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. 11. Section 81-1414.04, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1           81-1414.04 There is hereby created, for the use of the  
2 ~~Nebraska Commission on Law Enforcement and Criminal Justice,~~  
3 commission, a fund to be known as the Nebraska Law Enforcement  
4 Training Center Fund, to consist of such money as appropriated to  
5 such fund by the Legislature. Any money in the fund available for  
6 investment shall be invested by the state investment officer pursuant  
7 to the Nebraska Capital Expansion Act and the Nebraska State Funds  
8 Investment Act.

9           Sec. 12. Section 81-1414.05, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

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

18           Sec. 13. (1) In order to maintain his or her professional  
19 status and serve the law enforcement profession, the community, and  
20 the residents of Nebraska, each law enforcement officer shall attend  
21 at least twenty hours of continuing education courses in the areas of  
22 criminal justice and law enforcement during each calendar year  
23 beginning on January 1 and ending on December 31. A law enforcement  
24 officer is not required to meet the continuing education requirements  
25 in the year in which he or she first becomes fully certified.

1           (2) Continuing education courses may be offered in the  
2 form of seminars, advanced education which may include college or  
3 university classes, conferences, instruction conducted within the law  
4 enforcement officer's law enforcement agency, or instruction  
5 conducted over the Internet, except that instruction conducted over  
6 the Internet shall be limited to ten hours annually, and shall be of  
7 a type which has application to and seeks to maintain and improve the  
8 skills of the law enforcement officer in carrying out his or her  
9 duties and responsibilities.

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

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

24           (2) Any law enforcement officer who fails to fulfill his  
25 or her continuing education requirements for two consecutive



1 reporting periods may have his or her certificate or diploma from the  
2 Nebraska Law Enforcement Training Center revoked and a fine incurred  
3 under section 81-1403 unless the officer is able to show good cause  
4 for not completing the continuing education requirements or unless a  
5 waiver has been granted.

6           Sec. 16. The continuing education requirements of  
7 sections 13 to 15 of this act shall be suspended for any law  
8 enforcement officer while he or she is on active duty with the armed  
9 forces of the United States.

10           Sec. 17. Section 81-1439, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

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

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

1 instruction anywhere in the state.

2 (3) Members of the law enforcement reserve force shall be  
3 subject to the same continuing education requirements as all other  
4 law enforcement officers pursuant to sections 81-1401 to 81-1414.06  
5 and sections 13 to 16 of this act.

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

12 Sec. 18. Sections 2, 3, 4, 18, and 19 of this act become  
13 operative on their effective date. The other sections of this act  
14 become operative on January 1, 2014.

15 Sec. 19. Original section 29-2264, Revised Statutes  
16 Cumulative Supplement, 2010, and sections 47-624 and 47-627, Revised  
17 Statutes Supplement, 2011, are repealed.

18 Sec. 20. Original sections 23-1701.01, 81-1401, 81-1406,  
19 81-1412.02, 81-1414, 81-1414.04, 81-1414.05, and 81-1439, Reissue  
20 Revised Statutes of Nebraska, and sections 81-1403 and 81-1404,  
21 Revised Statutes Supplement, 2011, are repealed.

22 Sec. 21. The following sections are outright repealed:  
23 Sections 81-1414.01 and 81-1414.02, Reissue Revised Statutes of  
24 Nebraska.