

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 462

Introduced by Ashford, 20.

Read first time January 22, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to political subdivisions; to amend section
2 29-215, Revised Statutes Cumulative Supplement, 2012; to
3 change provisions relating to contracts for joint law
4 enforcement services; to require creation of a separate
5 entity; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-215, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 29-215 (1) A law enforcement officer has the power and
4 authority to enforce the laws of this state and of the political
5 subdivision which employs the law enforcement officer or otherwise
6 perform the functions of that office anywhere within his or her
7 primary jurisdiction.

8 (2) Any law enforcement officer who is within this state,
9 but beyond his or her primary jurisdiction, has the power and
10 authority to enforce the laws of this state or any legal ordinance of
11 any city or incorporated village or otherwise perform the functions
12 of his or her office, including the authority to arrest and detain
13 suspects, as if enforcing the laws or performing the functions within
14 his or her primary jurisdiction in the following cases:

15 (a) Any such law enforcement officer, if in a fresh
16 attempt to apprehend a person suspected of committing a felony, may
17 follow such person into any other jurisdiction in this state and
18 there arrest and detain such person and return such person to the law
19 enforcement officer's primary jurisdiction;

20 (b) Any such law enforcement officer, if in a fresh
21 attempt to apprehend a person suspected of committing a misdemeanor
22 or a traffic infraction, may follow such person anywhere in an area
23 within twenty-five miles of the boundaries of the law enforcement
24 officer's primary jurisdiction and there arrest and detain such
25 person and return such person to the law enforcement officer's

1 primary jurisdiction;

2 (c) Any such law enforcement officer shall have such
3 enforcement and arrest and detention authority when responding to a
4 call in which a local, state, or federal law enforcement officer is
5 in need of assistance. A law enforcement officer in need of
6 assistance shall mean (i) a law enforcement officer whose life is in
7 danger or (ii) a law enforcement officer who needs assistance in
8 making an arrest and the suspect (A) will not be apprehended unless
9 immediately arrested, (B) may cause injury to himself or herself or
10 others or damage to property unless immediately arrested, or (C) may
11 destroy or conceal evidence of the commission of a crime; and

12 ~~(d) Any municipality or county may, under the provisions~~
13 ~~of the Interlocal Cooperation Act or the Joint Public Agency Act,~~
14 ~~enter into a contract with any other municipality or county for law~~
15 ~~enforcement services or joint law enforcement services. Under such an~~
16 ~~agreement, law enforcement personnel may have such enforcement~~
17 ~~authority within the jurisdiction of each of the participating~~
18 ~~political subdivisions if provided for in the agreement. Unless~~
19 ~~otherwise provided in the agreement, each participating political~~
20 ~~subdivision shall provide liability insurance coverage for its own~~
21 ~~law enforcement personnel as provided in section 13-1802.~~

22 (d) Any municipality, county, law enforcement agency, or
23 department of a state or local government may enter into a contract
24 with any other such entity or public agency for law enforcement
25 services or joint law enforcement services if the contract is entered

1 into under the Interlocal Cooperation Act or the Joint Public Agency
2 Act. Any contract for joint law enforcement services entered into
3 under the Interlocal Cooperation Act shall establish a separate legal
4 entity to conduct the joint or cooperative undertaking. Under such a
5 contract, law enforcement personnel may have such enforcement
6 authority within the jurisdiction of each of the participating public
7 agencies if provided for in the contract. Notwithstanding any other
8 provision of law, the legal entities for joint law enforcement
9 services shall provide liability insurance coverage for joint law
10 enforcement personnel and activities that is separate and distinct
11 from any liability coverage provided by each participating public
12 agency.

13 (3) When probable cause exists to believe that a person
14 is operating or in the actual physical control of any motor vehicle,
15 motorboat, personal watercraft, or aircraft while under the influence
16 of alcoholic liquor or of any drug or otherwise in violation of
17 section 28-1465, 28-1466, 28-1472, 37-1254.01, 37-1254.02, 60-4,163,
18 60-4,164, 60-6,196, 60-6,197, 60-6,211.01, or 60-6,211.02, the law
19 enforcement officer has the power and authority to do any of the
20 following or any combination thereof:

21 (a) Transport such person to a facility outside of the
22 law enforcement officer's primary jurisdiction for appropriate
23 chemical testing of the person;

24 (b) Administer outside of the law enforcement officer's
25 primary jurisdiction any post-arrest test advisement to the person;

1 or

2 (c) With respect to such person, perform other procedures
3 or functions outside of the law enforcement officer's primary
4 jurisdiction which are directly and solely related to enforcing the
5 laws that concern a person operating or being in the actual physical
6 control of any motor vehicle, motorboat, personal watercraft, or
7 aircraft while under the influence of alcoholic liquor or of any
8 other drug or otherwise in violation of section 28-1465, 28-1466,
9 28-1472, 37-1254.01, 37-1254.02, 60-4,163, 60-4,164, 60-6,196,
10 60-6,197, 60-6,211.01, or 60-6,211.02.

11 (4) For purposes of this section:

12 (a) Law enforcement officer has the same meaning as peace
13 officer as defined in section 49-801 and also includes conservation
14 officers of the Game and Parks Commission; and

15 (b) Primary jurisdiction means the geographic area within
16 the territorial limits of the state or political subdivision which
17 employs the law enforcement officer.

18 Sec. 2. Original section 29-215, Revised Statutes
19 Cumulative Supplement, 2012, is repealed.