

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1082

Introduced by Vargas, 7.

Read first time January 17, 2018

Committee: Judiciary

1 A BILL FOR AN ACT relating to immigration; to require law enforcement
2 agencies, jails, and the Nebraska State Patrol to provide notice
3 prior to entering into agreements to enforce federal immigration
4 law; to require law enforcement agencies and jails to provide
5 information to the Nebraska Commission on Law Enforcement and
6 Criminal Justice; to provide the Auditor of Public Accounts with
7 authority to conduct audits of noncomplying law enforcement
8 agencies, jails, political subdivisions, and the patrol; and to
9 provide an operative date.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. For purposes of sections 1 to 3 of this act:

2 (1) Commission means the Nebraska Commission on Law Enforcement and
3 Criminal Justice;

4 (2) Jail includes a jail as defined in sections 47-117 and 47-207;

5 (3) Law enforcement agency means a police department, a town
6 marshal, or the office of sheriff, but does not include the Nebraska
7 State Patrol;

8 (4) Meeting has the same meaning as in section 84-1409; and

9 (5) Public agency means the United States, any state, county, or
10 municipality and any branch, subdivision, board, commission, department,
11 agency, or other instrumentality of such entities.

12 Sec. 2. (1)(a) Beginning August 1, 2018, a law enforcement agency
13 or jail shall, before becoming a party to an agreement with any other
14 public agency to enforce immigration law or to investigate, interrogate,
15 detain, detect, or arrest persons for immigration enforcement purposes
16 pursuant to such agreement, notify the governing body of any political
17 subdivision overseeing such law enforcement agency or jail, in writing,
18 at least thirty days prior to entering into such agreement. The notice
19 shall be filed with the governing body and the governing body shall
20 include the notice in the agenda of subjects of the next regularly
21 scheduled public meeting of the governing body.

22 (b) If a law enforcement agency or jail entered into an agreement
23 described in subdivision (1)(a) of this section prior to August 1, 2018,
24 such law enforcement agency or jail shall notify the governing body of
25 any political subdivision overseeing such law enforcement agency or jail,
26 in writing, on or before September 1, 2018. The notice shall be filed
27 with the governing body and the governing body shall include the notice
28 in the agenda of subjects of the next regularly scheduled public meeting
29 of the governing body.

30 (2) Within sixty days after entering into an agreement described in
31 subdivision (1)(a) of this section or, for an agreement described in

1 subdivision (1)(b) of this section, on or before November 1, 2018, a law
2 enforcement agency or jail shall provide the following information to the
3 commission:

4 (a) A written copy of any such agreement;

5 (b) A written copy of the notice delivered under subsection (1) of
6 this section; and

7 (c) A record of any public meeting held by the governing body
8 concerning the agreement, including, but not limited to, any exhibits,
9 transcripts of testimony, statements of members of the governing body, or
10 recordings of votes of the members of the governing body.

11 (3) If a law enforcement agency or jail fails to provide the
12 information required by this section, the Auditor of Public Accounts may,
13 at his or her discretion, conduct an audit of such law enforcement agency
14 or jail or the political subdivision overseeing such law enforcement
15 agency or jail. The expense of such audit shall be paid by the political
16 subdivision.

17 Sec. 3. (1)(a) Beginning August 1, 2018, the Nebraska State Patrol
18 shall, before becoming a party to an agreement with any other public
19 agency to enforce immigration law or to investigate, interrogate, detain,
20 detect, or arrest persons for immigration enforcement purposes pursuant
21 to such agreement, notify the Judiciary Committee of the Legislature and
22 the commission, in writing, at least thirty days prior to entering into
23 such agreement. The notification to the Legislature shall be submitted
24 electronically. The notice shall be filed with the commission, which
25 shall include the notice in the agenda of subjects of the next regularly
26 scheduled public meeting of the commission.

27 (b) If the Nebraska State Patrol entered into an agreement described
28 in subdivision (1)(a) of this section prior to August 1, 2018, the patrol
29 shall, on or before September 1, 2018, notify the Judiciary Committee of
30 the Legislature and the commission, in writing. The notification to the
31 Legislature shall be submitted electronically. The notice shall be filed

1 with the commission which shall include the notice in the agenda of
2 subjects of the next regularly scheduled public meeting of the
3 commission.

4 (2) If the Nebraska State Patrol fails to provide the information
5 required by this section, the Auditor of Public Accounts may, at his or
6 her discretion, conduct an audit of the patrol. The expense of such audit
7 shall be paid by the patrol.

8 Sec. 4. This act becomes operative on August 1, 2018.