

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 369

Introduced by Vargas, 7; Hunt, 8; Williams, 36.

Read first time January 16, 2019

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.
9 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 city or county jail;

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 September 15, 2019, a law enforcement
13 agency or jail shall, before becoming a party to an agreement with any
14 other public agency to enforce immigration law or to investigate,
15 interrogate, detain, detect, or arrest persons for immigration
16 enforcement purposes pursuant to such agreement, notify the governing
17 body of any political subdivision overseeing such law enforcement agency
18 or jail, in writing, at least thirty days prior to entering into such
19 agreement. The notice shall be filed with the governing body and the
20 governing body shall include the notice in the agenda of subjects of the
21 next regularly 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 September 15,
24 2019, such law enforcement agency or jail shall notify the governing body
25 of any political subdivision overseeing such law enforcement agency or
26 jail, in writing, on or before October 15, 2019. The notice shall be
27 filed with the governing body and the governing body shall include the
28 notice in the agenda of subjects of the next regularly scheduled public
29 meeting 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 15, 2019, 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 September 15, 2019, the Nebraska State
18 Patrol shall, before becoming a party to an agreement with any other
19 public agency to enforce immigration law or to investigate, interrogate,
20 detain, detect, or arrest persons for immigration enforcement purposes
21 pursuant to such agreement, notify the Judiciary Committee of the
22 Legislature and the commission, in writing, at least thirty days prior to
23 entering into such agreement. The notice to the Legislature shall be
24 submitted electronically. The notice shall be filed with the commission,
25 which shall include the notice in the agenda of subjects of the next
26 regularly 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 September 15, 2019, the
29 patrol shall, on or before October 15, 2019, notify the Judiciary
30 Committee of the Legislature and the commission, in writing. The notice
31 to the Legislature shall be submitted electronically. The notice shall be

1 filed 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.