

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 658

Introduced by Wayne, 13.

Read first time January 23, 2019

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Nebraska Commission on Law Enforcement
2 and Criminal Justice; to amend section 81-1425, Revised Statutes
3 Cumulative Supplement, 2018; to prohibit the executive director of
4 the commission from taking certain disciplinary actions as
5 prescribed; to harmonize provisions; and to repeal the original
6 section.

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

1 Section 1. Section 81-1425, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 81-1425 (1) The executive director of the commission shall:

4 (a) ~~(1)~~ Supervise and be responsible for the administration of the
5 policies established by the commission;

6 (b) ~~(2)~~ Establish a Jail Standards subdivision and a Community
7 Corrections Division within the commission and establish, consolidate, or
8 abolish any administrative subdivision within the commission and appoint
9 and remove for cause the heads thereof, and delegate appropriate powers
10 and duties to them;

11 (c) ~~(3)~~ Establish and administer projects and programs for the
12 operation of the commission;

13 (d) ~~(4)~~ Appoint and remove employees of the commission and delegate
14 appropriate powers and duties to them;

15 (e) ~~(5)~~ Make rules and regulations for the management and the
16 administration of policies of the commission and the conduct of employees
17 under his or her jurisdiction;

18 (f) ~~(6)~~ Collect, develop, maintain, and analyze statistical
19 information, records, and reports as the commission may determine
20 relevant to its functions, including, but not limited to, the statistical
21 information set forth in section 47-627;

22 (g) ~~(7)~~ Transmit monthly to the commission a report of the
23 operations of the commission for the preceding calendar month;

24 (h) ~~(8)~~ Execute and carry out the provisions of all contracts,
25 leases, and agreements authorized by the commission with agencies of
26 federal, state, or local government, corporations, or persons;

27 (i) ~~(9)~~ Perform such additional duties as may be assigned to him or
28 her by the commission, by the chairperson of the commission, or by law;

29 (j) ~~(10)~~ Appoint and remove for cause the director of the Nebraska
30 Law Enforcement Training Center;

31 (k) ~~(11)~~ Appoint and remove for cause the director of the Office of

1 Violence Prevention;

2 (1) ~~(12)~~ Subpoena witnesses and documents, files, internal
3 investigation materials, administrative files, records, memoranda,
4 reports, personnel records, disciplinary histories, or any materials the
5 executive director determines to be relevant, relating to law enforcement
6 officer certification revocation, from the Nebraska State Patrol; and

7 (m) ~~(13)~~ Exercise all powers and perform all duties necessary and
8 proper in carrying out his or her responsibilities.

9 (2) The executive director of the commission shall not:

10 (a) Overrule or impair the decision of an arbitrated disciplinary
11 grievance;

12 (b) Subject a law enforcement officer to administrative double
13 jeopardy by imposing discipline greater than that modified through an
14 arbitrated disciplinary grievance; or

15 (c) Impair a law enforcement officer's certification if an officer's
16 discipline or termination has been deemed excessive or without good cause
17 through an arbitrated disciplinary grievance.

18 Sec. 2. Original section 81-1425, Revised Statutes Cumulative
19 Supplement, 2018, is repealed.