

AMENDMENTS TO LB51

(Amendments to Standing Committee amendments, AM745)

Introduced by Brewer, 43.

1 1. Strike sections 4, 5, 6, 7, 8, 13, and 27 and all amendments
2 thereto and insert the following new sections:

3 Sec. 19. Section 81-1438, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 81-1438 (1) The governing body of any county or city of this state,
6 other than (a) ~~(1)~~ a county containing a city of the metropolitan or
7 primary class or (b) ~~(2)~~ a city of the metropolitan or primary class, may
8 establish a law enforcement reserve force. Members of such force shall be
9 appointed at the discretion of the governing body. The governing body may
10 limit the size of such reserve force.

11 (2)(a) A member of a law enforcement reserve force appointed under
12 this section cannot make arrests, issue citations, detain members of the
13 public, or seize evidence without being under the direct supervision of a
14 physically present certified law enforcement officer.

15 (b) A reserve officer may perform functions at the direction of the
16 county sheriff or chief of police when under the direct supervision of
17 the county sheriff or chief of police. Such functions shall not include
18 making arrests, issuing citations, detaining members of the public, or
19 seizing evidence.

20 (c) A reserve officer is not limited with respect to the amount of
21 hours worked annually.

22 Sec. 20. Section 81-1439, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 81-1439 (1) The Nebraska Commission on Law Enforcement and Criminal
25 Justice shall establish minimum physical, mental, educational, and moral
26 qualifications for all members of any law enforcement reserve force. The

1 commission shall also establish training and continuing education
2 standards and be responsible for providing such training for all members.
3 The commission shall delegate its responsibilities pursuant to this
4 section to the Nebraska Police Standards Advisory Council.

5 (2) Individuals appointed to a law enforcement reserve force shall
6 receive training through or under the supervision of the Nebraska Law
7 Enforcement Training Center and shall achieve the minimum training
8 standards within one year after the date of appointment. Such training
9 may be provided by the training center through regional workshops,
10 training sessions, or similar means of instruction anywhere in the state.

11 (3) Members of the law enforcement reserve force shall be subject to
12 the same continuing education requirements as ~~all other~~ law enforcement
13 officers pursuant to sections 81-1401 to 81-1414.10 and sections 7, 9 to
14 11, and 13 to 18 of this act.

15 (4) The governing body establishing a law enforcement reserve force
16 shall adopt and publish a reserve force manual setting forth the minimum
17 qualifications, training standards, standard operating procedures, and
18 continuing education requirements for such force and such higher
19 qualifications, standards, and operating procedures as may actually be
20 used.

21 Sec. 21. Section 81-1440, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 81-1440 Subject to the restrictions set forth in subsection (2) of
24 section 81-1438, law Law enforcement reserve officers shall serve as
25 peace officers on the orders and at the discretion of the sheriff, the
26 mayor, or the chief of police.

27 Sec. 22. Section 81-1443, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 81-1443 (1) Subject to the restrictions set forth in subsection (2)
30 of section 81-1438, law Law enforcement reserve officers, upon being
31 activated by the sheriff, the mayor, or the chief of police, and while on

1 assigned duty, shall be vested with the same rights, privileges,
2 obligations, and duties of any other peace officer of this state.

3 (2) No person appointed to the reserve force may carry a weapon or
4 otherwise act as a peace officer until such person ~~he~~ has been approved
5 by the governing body. After approval, such person ~~he~~ may carry a weapon
6 only when authorized by the sheriff or chief of police and when
7 discharging official duties as a duly constituted peace officer.

8 (3) Law enforcement reserve officers shall be subordinate to regular
9 force officers, shall not serve as a peace officer unless under the
10 direction of regular officers, and when serving with regular force
11 officers shall wear no insignia of rank. Each department for which a
12 reserve force is established shall appoint a regular force officer as the
13 reserve force coordinating and supervising officer. Such regular officer
14 shall report directly to the sheriff or the chief of police.

15 2. On page 27, line 4, strike "or"; after line 4 insert the
16 following new subdivision:

17 "(viii) A member of a law enforcement reserve force appointed in
18 accordance with section 81-1438; or"; and in line 5 strike "(viii)" and
19 insert "(ix)".

20 3. On page 31, line 1, strike "and"; in line 2, before the stricken
21 "10" insert "(11)" and reinstate the stricken matter beginning with
22 "Establish" through line 4; and in line 5, strike "(11)", show as
23 stricken, and insert "(12)".

24 4. On page 44, line 30, after "arrest" insert "in a manner that
25 poses a risk of bodily injury to the officer or any other person".

26 5. On page 45, after line 6 insert the following new subdivision:

27 "(a) Bodily injury has the same meaning as in section 28-109;"; in
28 line 7 strike "(a)" and insert "(b)"; in line 10 strike "(b)" and insert
29 "(c)"; and in line 12 strike "(c)" and insert "(d)".

30 6. Renumber the remaining sections and correct the repealer and
31 internal references accordingly.