

AMENDMENTS TO LB51

Introduced by Judiciary.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 23-1701.01, Revised Statutes Cumulative  
4 Supplement, 2020, is amended to read:

5           23-1701.01 (1) Any candidate for the office of sheriff who does not  
6 have a law enforcement officer certificate or diploma issued by the  
7 Nebraska Commission on Law Enforcement and Criminal Justice shall submit  
8 with the candidate filing form required by section 32-607 a standardized  
9 letter issued by the director of the Nebraska Law Enforcement Training  
10 Center certifying that the candidate has:

11           (a) Within one calendar year prior to the deadline for filing the  
12 candidate filing form, passed a background investigation performed by the  
13 Nebraska Law Enforcement Training Center based on a check of his or her  
14 criminal history record information maintained by the Federal Bureau of  
15 Investigation through the Nebraska State Patrol. The candidate who has  
16 not passed a background investigation shall apply for the background  
17 investigation at least thirty days prior to the filing deadline for the  
18 candidate filing form; and

19           (b) Received a minimum combined score on the reading comprehension  
20 and English language portions of an adult basic education examination  
21 designated by the Nebraska Law Enforcement Training Center.

22           (2) Each sheriff shall attend the Nebraska Law Enforcement Training  
23 Center and receive a certificate attesting to satisfactory completion of  
24 the Sheriff's Certification Course within eight months after taking  
25 office unless such sheriff has already been awarded a certificate by the  
26 Nebraska Commission on Law Enforcement and Criminal Justice attesting to  
27 satisfactory completion of such course or unless such sheriff can

1 demonstrate to the Nebraska Police Standards Advisory Council that his or  
2 her previous training and education is such that he or she will  
3 professionally discharge the duties of the office. Any sheriff in office  
4 prior to July 19, 1980, shall not be required to obtain a certificate  
5 attesting to satisfactory completion of the Sheriff's Certification  
6 Course but shall otherwise be subject to this section.

7 ~~(3) Each Notwithstanding sections 81-1401 to 81-1414.10, each~~  
8 ~~sheriff shall attend twenty hours of continuing education as provided in~~  
9 ~~section 81-1414.07 in criminal justice and law enforcement courses and at~~  
10 ~~least two hours of anti-bias and implicit bias training designed to~~  
11 ~~minimize apparent or actual racial profiling approved by the council each~~  
12 ~~year following the first year of such sheriff's term of office. Such~~  
13 ~~continuing education shall be offered through seminars, advanced~~  
14 ~~education which may include college or university classes, conferences,~~  
15 ~~instruction conducted within the sheriff's office, or instruction~~  
16 ~~conducted over the Internet, except that instruction conducted over the~~  
17 ~~Internet shall be limited to ten hours annually, and shall be of a type~~  
18 ~~which has application to and seeks to maintain and improve the skills of~~  
19 ~~the sheriffs in carrying out the responsibilities of their office.~~

20 ~~(4) Unless (3) Notwithstanding section 81-1403, unless a sheriff is~~  
21 ~~able to show good cause for not complying with subsection (2) or (3) of~~  
22 ~~this section or obtains a waiver of the training requirements from the~~  
23 ~~council, any sheriff who violates subsection (2) or (3) of this section~~  
24 ~~shall be punished by a fine equal to such sheriff's monthly salary. Each~~  
25 ~~month in which such violation occurs shall constitute a separate offense.~~

26 Sec. 2. Section 29-215, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 29-215 (1) A law enforcement officer has the power and authority to  
29 enforce the laws of this state and of the political subdivision which  
30 employs the law enforcement officer or otherwise perform the functions of  
31 that office anywhere within his or her primary jurisdiction.

1           (2) Any law enforcement officer who is within this state, but beyond  
2 his or her primary jurisdiction, has the power and authority to enforce  
3 the laws of this state or any legal ordinance of any city or incorporated  
4 village or otherwise perform the functions of his or her office,  
5 including the authority to arrest and detain suspects, as if enforcing  
6 the laws or performing the functions within his or her primary  
7 jurisdiction in the following cases:

8           (a) Any such law enforcement officer, if in a fresh attempt to  
9 apprehend a person suspected of committing a felony, may follow such  
10 person into any other jurisdiction in this state and there arrest and  
11 detain such person and return such person to the law enforcement  
12 officer's primary jurisdiction;

13           (b) Any such law enforcement officer, if in a fresh attempt to  
14 apprehend a person suspected of committing a misdemeanor or a traffic  
15 infraction, may follow such person anywhere in an area within twenty-five  
16 miles of the boundaries of the law enforcement officer's primary  
17 jurisdiction and there arrest and detain such person and return such  
18 person to the law enforcement officer's primary jurisdiction;

19           (c) Any such law enforcement officer shall have such enforcement and  
20 arrest and detention authority when responding to a call in which a  
21 local, state, or federal law enforcement officer is in need of  
22 assistance. A law enforcement officer in need of assistance shall mean  
23 (i) a law enforcement officer whose life is in danger or (ii) a law  
24 enforcement officer who needs assistance in making an arrest and the  
25 suspect (A) will not be apprehended unless immediately arrested, (B) may  
26 cause injury to himself or herself or others or damage to property unless  
27 immediately arrested, or (C) may destroy or conceal evidence of the  
28 commission of a crime; and

29           (d) Any municipality or county may, under the provisions of the  
30 Interlocal Cooperation Act or the Joint Public Agency Act, enter into a  
31 contract with any other municipality or county for law enforcement

1 services or joint law enforcement services. Under such an agreement, law  
2 enforcement personnel may have such enforcement authority within the  
3 jurisdiction of each of the participating political subdivisions if  
4 provided for in the agreement. Unless otherwise provided in the  
5 agreement, each participating political subdivision shall provide  
6 liability insurance coverage for its own law enforcement personnel as  
7 provided in section 13-1802.

8 (3) When probable cause exists to believe that a person is operating  
9 or in the actual physical control of any motor vehicle, motorboat,  
10 personal watercraft, or aircraft while under the influence of alcoholic  
11 liquor or of any drug or otherwise in violation of section 28-1465,  
12 28-1466, 28-1472, 37-1254.01, 37-1254.02, 60-4,163, 60-4,164, 60-6,196,  
13 60-6,197, 60-6,211.01, or 60-6,211.02, the law enforcement officer has  
14 the power and authority to do any of the following or any combination  
15 thereof:

16 (a) Transport such person to a facility outside of the law  
17 enforcement officer's primary jurisdiction for appropriate chemical  
18 testing of the person;

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

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

29 (4) For purposes of this section:

30 (a) Class I railroad has the same meaning as in section 81-1401;

31 (b) ~~(a)~~ Law enforcement officer has the same meaning as peace

1 officer as defined in section 49-801 and also includes conservation  
2 officers of the Game and Parks Commission and Class I railroad police  
3 officers; and

4 (c) ~~(b)~~ Primary jurisdiction means the geographic area within the  
5 territorial limits of the state or political subdivision which employs  
6 the law enforcement officer.

7 Sec. 3. Section 29-2264, Revised Statutes Cumulative Supplement,  
8 2020, is amended to read:

9 29-2264 (1) Whenever any person is placed on probation by a court  
10 and satisfactorily completes the conditions of his or her probation for  
11 the entire period or is discharged from probation prior to the  
12 termination of the period of probation, the sentencing court shall issue  
13 an order releasing the offender from probation. Such order in all felony  
14 cases shall provide notice that the person's voting rights are restored  
15 two years after completion of probation. The order shall include  
16 information on restoring other civil rights through the pardon process,  
17 including application to and hearing by the Board of Pardons.

18 (2) Whenever any person is convicted of an offense and is placed on  
19 probation by the court, is sentenced to a fine only, or is sentenced to  
20 community service, he or she may, after satisfactory fulfillment of the  
21 conditions of probation for the entire period or after discharge from  
22 probation prior to the termination of the period of probation and after  
23 payment of any fine and completion of any community service, petition the  
24 sentencing court to set aside the conviction.

25 (3)(a) Except as provided in subdivision (3)(b) of this section,  
26 whenever any person is convicted of an offense and is sentenced other  
27 than as provided in subsection (2) of this section, but is not sentenced  
28 to a term of imprisonment of more than one year, such person may, after  
29 completion of his or her sentence, petition the sentencing court to set  
30 aside the conviction.

31 (b) A petition under subdivision (3)(a) of this section shall be

1 denied if filed:

2 (i) By any person with a criminal charge pending in any court in the  
3 United States or in any other country;

4 (ii) During any period in which the person is required to register  
5 under the Sex Offender Registration Act;

6 (iii) For any misdemeanor or felony motor vehicle offense under  
7 section 28-306 or the Nebraska Rules of the Road; or

8 (iv) Within two years after a denial of a petition to set aside a  
9 conviction under this subsection.

10 (4) In determining whether to set aside the conviction, the court  
11 shall consider:

12 (a) The behavior of the offender after sentencing;

13 (b) The likelihood that the offender will not engage in further  
14 criminal activity; and

15 (c) Any other information the court considers relevant.

16 (5) The court may grant the offender's petition and issue an order  
17 setting aside the conviction when in the opinion of the court the order  
18 will be in the best interest of the offender and consistent with the  
19 public welfare. The order shall:

20 (a) Nullify the conviction;

21 (b) Remove all civil disabilities and disqualifications imposed as a  
22 result of the conviction; and

23 (c) Notify the offender that he or she should consult with an  
24 attorney regarding the effect of the order, if any, on the offender's  
25 ability to possess a firearm under state or federal law.

26 (6) The setting aside of a conviction in accordance with the  
27 Nebraska Probation Administration Act shall not:

28 (a) Require the reinstatement of any office, employment, or position  
29 which was previously held and lost or forfeited as a result of the  
30 conviction;

31 (b) Preclude proof of a plea of guilty whenever such plea is

1 relevant to the determination of an issue involving the rights or  
2 liabilities of someone other than the offender;

3 (c) Preclude proof of the conviction as evidence of the commission  
4 of the offense whenever the fact of its commission is relevant for the  
5 purpose of impeaching the offender as a witness, except that the order  
6 setting aside the conviction may be introduced in evidence;

7 (d) Preclude use of the conviction for the purpose of determining  
8 sentence on any subsequent conviction of a criminal offense;

9 (e) Preclude the proof of the conviction as evidence of the  
10 commission of the offense in the event an offender is charged with a  
11 subsequent offense and the penalty provided by law is increased if the  
12 prior conviction is proved;

13 (f) Preclude the proof of the conviction to determine whether an  
14 offender is eligible to have a subsequent conviction set aside in  
15 accordance with the Nebraska Probation Administration Act;

16 (g) Preclude use of the conviction as evidence of commission of the  
17 offense for purposes of determining whether an application filed or a  
18 license issued under sections 71-1901 to 71-1906.01, the Child Care  
19 Licensing Act, or the Children's Residential Facilities and Placing  
20 Licensure Act or a certificate issued under sections 79-806 to 79-815  
21 should be denied, suspended, or revoked;

22 (h) Preclude use of the conviction as evidence of serious misconduct  
23 or incompetence, neglect of duty, physical, mental, or emotional  
24 incapacity, or final conviction of or pleading guilty or nolo contendere  
25 to a felony or misdemeanor for purposes of determining whether an  
26 application filed or a certificate issued under sections 81-1401 to  
27 81-1414.10 and sections 12, 15 to 17, and 19 to 24 of this act should be  
28 denied, suspended, or revoked;

29 (i) Preclude proof of the conviction as evidence whenever the fact  
30 of the conviction is relevant to a determination of the registration  
31 period under section 29-4005;

1 (j) Relieve a person who is convicted of an offense for which  
2 registration is required under the Sex Offender Registration Act of the  
3 duty to register and to comply with the terms of the act;

4 (k) Preclude use of the conviction for purposes of section 28-1206;

5 (l) Affect the right of a victim of a crime to prosecute or defend a  
6 civil action;

7 (m) Affect the assessment or accumulation of points under section  
8 60-4,182; or

9 (n) Affect eligibility for, or obligations relating to, a commercial  
10 driver's license.

11 (7) For purposes of this section, offense means any violation of the  
12 criminal laws of this state or any political subdivision of this state  
13 including, but not limited to, any felony, misdemeanor, infraction,  
14 traffic infraction, violation of a city or village ordinance, or  
15 violation of a county resolution.

16 (8) Except as otherwise provided for the notice in subsection (1) of  
17 this section, changes made to this section by Laws 2005, LB 713, shall be  
18 retroactive in application and shall apply to all persons, otherwise  
19 eligible in accordance with the provisions of this section, whether  
20 convicted prior to, on, or subsequent to September 4, 2005.

21 (9) The changes made to this section by Laws 2018, LB146, and Laws  
22 2020, LB881, shall apply to all persons otherwise eligible under this  
23 section, without regard to the date of the conviction sought to be set  
24 aside.

25 Sec. 4. Section 48-115, Revised Statutes Cumulative Supplement,  
26 2020, is amended to read:

27 48-115 The terms employee and worker are used interchangeably and  
28 have the same meaning throughout the Nebraska Workers' Compensation Act.  
29 Such terms include the plural and all ages and both sexes. For purposes  
30 of the act, employee or worker shall be construed to mean:

31 (1) Every person in the service of the state or of any governmental



1 agency created by it, including the Nebraska National Guard and members  
2 of the military forces of the State of Nebraska, under any appointment or  
3 contract of hire, expressed or implied, oral or written;

4 (2) Every person in the service of an employer who is engaged in any  
5 trade, occupation, business, or profession as described in section 48-106  
6 under any contract of hire, expressed or implied, oral or written,  
7 including aliens and also including minors. Minors for the purpose of  
8 making election of remedies under the Nebraska Workers' Compensation Act  
9 shall have the same power of contracting and electing as adult employees.

10 As used in subdivisions (1) through (10) ~~(11)~~ of this section, the  
11 terms employee and worker shall not be construed to include any person  
12 whose employment is not in the usual course of the trade, business,  
13 profession, or occupation of his or her employer.

14 If an employee subject to the Nebraska Workers' Compensation Act  
15 suffers an injury on account of which he or she or, in the event of his  
16 or her death, his or her dependents would otherwise have been entitled to  
17 the benefits provided by such act, the employee or, in the event of his  
18 or her death, his or her dependents shall be entitled to the benefits  
19 provided under such act, if the injury or injury resulting in death  
20 occurred within this state, or if at the time of such injury (a) the  
21 employment was principally localized within this state, (b) the employer  
22 was performing work within this state, or (c) the contract of hire was  
23 made within this state;

24 (3) Volunteer firefighters of any fire department of any rural or  
25 suburban fire protection district, city, village, or nonprofit  
26 corporation, which fire department is organized under the laws of the  
27 State of Nebraska. Such volunteers shall be deemed employees of such  
28 rural or suburban fire protection district, city, village, or nonprofit  
29 corporation while in the performance of their duties as members of such  
30 department and shall be considered as having entered and as acting in the  
31 regular course and scope of their employment from the instant such

1 persons commence responding to a call to active duty, whether to a fire  
2 station or other place where firefighting equipment that their company or  
3 unit is to use is located or to any activities that the volunteer  
4 firefighters may be directed to do by the chief of the fire department or  
5 some person authorized to act for such chief. Such volunteers shall be  
6 deemed employees of such rural or suburban fire protection district,  
7 city, village, or nonprofit corporation until their return to the  
8 location from which they were initially called to active duty or until  
9 they engage in any activity beyond the scope of the performance of their  
10 duties, whichever occurs first.

11 Members of such volunteer fire department, before they are entitled  
12 to benefits under the Nebraska Workers' Compensation Act, shall be  
13 recommended by the chief of the fire department or some person authorized  
14 to act for such chief for membership therein to the board of directors of  
15 the rural or suburban fire protection district or nonprofit corporation,  
16 the mayor and city commission, the mayor and council, or the chairperson  
17 and board of trustees, as the case may be, and upon confirmation shall be  
18 deemed employees of such entity. Members of such fire department after  
19 confirmation to membership may be removed by a majority vote of the  
20 entity's board of directors or governing body and thereafter shall not be  
21 considered employees of such entity. Firefighters of any fire department  
22 of any rural or suburban fire protection district, nonprofit corporation,  
23 city, or village shall be considered as acting in the performance and  
24 within the course and scope of their employment when performing  
25 activities outside of the corporate limits of their respective districts,  
26 cities, or villages, but only if directed to do so by the chief of the  
27 fire department or some person authorized to act for such chief;

28 (4) Members of the Nebraska Emergency Management Agency, any city,  
29 village, county, or interjurisdictional emergency management  
30 organization, or any state emergency response team, which agency,  
31 organization, or team is regularly organized under the laws of the State

1 of Nebraska. Such members shall be deemed employees of such agency,  
2 organization, or team while in the performance of their duties as members  
3 of such agency, organization, or team;

4 (5) Any person fulfilling conditions of probation, or community  
5 service as defined in section 29-2277, pursuant to any order of any court  
6 of this state who shall be working for a governmental body, or agency as  
7 defined in section 29-2277, pursuant to any condition of probation, or  
8 community service as defined in section 29-2277. Such person shall be  
9 deemed an employee of the governmental body or agency for the purposes of  
10 the Nebraska Workers' Compensation Act;

11 (6) Volunteer ambulance drivers and attendants and emergency care  
12 providers who are members of an emergency medical service for any county,  
13 city, village, rural or suburban fire protection district, nonprofit  
14 corporation, or any combination of such entities under the authority of  
15 section 13-303. Such volunteers shall be deemed employees of such entity  
16 or combination thereof while in the performance of their duties as  
17 ambulance drivers or attendants or emergency care providers and shall be  
18 considered as having entered into and as acting in the regular course and  
19 scope of their employment from the instant such persons commence  
20 responding to a call to active duty, whether to a hospital or other place  
21 where the ambulance they are to use is located or to any activities that  
22 the volunteer ambulance drivers or attendants or emergency care providers  
23 may be directed to do by the chief or some person authorized to act for  
24 such chief of the volunteer ambulance service or emergency care service.  
25 Such volunteers shall be deemed employees of such county, city, village,  
26 rural or suburban fire protection district, nonprofit corporation, or  
27 combination of such entities until their return to the location from  
28 which they were initially called to active duty or until they engage in  
29 any activity beyond the scope of the performance of their duties,  
30 whichever occurs first. Before such volunteer ambulance drivers or  
31 attendants or emergency care providers are entitled to benefits under the

1 Nebraska Workers' Compensation Act, they shall be recommended by the  
2 chief or some person authorized to act for such chief of the volunteer  
3 ambulance service or emergency care service for membership therein to the  
4 board of directors of the rural or suburban fire protection district or  
5 nonprofit corporation, the governing body of the county, city, or  
6 village, or combination thereof, as the case may be, and upon such  
7 confirmation shall be deemed employees of such entity or combination  
8 thereof. Members of such volunteer ambulance or emergency care service  
9 after confirmation to membership may be removed by majority vote of the  
10 entity's board of directors or governing body and thereafter shall not be  
11 considered employees of such entity. Volunteer ambulance drivers and  
12 attendants and emergency care providers for any county, city, village,  
13 rural or suburban fire protection district, nonprofit corporation, or any  
14 combination thereof shall be considered as acting in the performance and  
15 within the course and scope of their employment when performing  
16 activities outside of the corporate limits of their respective county,  
17 city, village, or district, but only if directed to do so by the chief or  
18 some person authorized to act for such chief;

19 ~~(7) Members of a law enforcement reserve force appointed in~~  
20 ~~accordance with section 81-1438. Such members shall be deemed employees~~  
21 ~~of the county or city for which they were appointed;~~

22 (7) ~~(8)~~ Any offender committed to the Department of Correctional  
23 Services who is employed pursuant to section 81-1827. Such offender shall  
24 be deemed an employee of the Department of Correctional Services solely  
25 for purposes of the Nebraska Workers' Compensation Act;

26 (8) ~~(9)~~ An executive officer of a corporation elected or appointed  
27 under the provisions or authority of the charter, articles of  
28 incorporation, or bylaws of such corporation who owns less than twenty-  
29 five percent of the common stock of such corporation or an executive  
30 officer of a nonprofit corporation elected or appointed under the  
31 provisions or authority of the charter, articles of incorporation, or

1 bylaws of such corporation who receives annual compensation of more than  
2 one thousand dollars from such corporation. Such executive officer shall  
3 be an employee of such corporation under the Nebraska Workers'  
4 Compensation Act.

5 An executive officer of a corporation who owns twenty-five percent  
6 or more of the common stock of such corporation or an executive officer  
7 of a nonprofit corporation who receives annual compensation of one  
8 thousand dollars or less from such corporation shall not be construed to  
9 be an employee of the corporation under the Nebraska Workers'  
10 Compensation Act unless such executive officer elects to bring himself or  
11 herself within the provisions of the act. Such election shall be in  
12 writing and filed with the secretary of the corporation and with the  
13 workers' compensation insurer. Such election shall be effective upon  
14 receipt by the insurer for the current policy and subsequent policies  
15 issued by such insurer and shall remain in effect until the election is  
16 terminated, in writing, by the officer and the termination is filed with  
17 the insurer or until the insurer ceases to provide coverage for the  
18 corporation, whichever occurs first. Any such termination of election  
19 shall also be filed with the secretary of the corporation. If insurance  
20 is provided through a master policy or a multiple coordinated policy  
21 pursuant to the Professional Employer Organization Registration Act on or  
22 after January 1, 2012, then such election or termination of election  
23 shall also be filed with the professional employer organization. If  
24 coverage under the master policy or multiple coordinated policy ceases,  
25 then such election shall also be effective for a replacement master  
26 policy or multiple coordinated policy obtained by the professional  
27 employer organization and shall remain in effect for the new policy as  
28 provided in this subdivision. If such an executive officer has not  
29 elected to bring himself or herself within the provisions of the Nebraska  
30 Workers' Compensation Act pursuant to this subdivision and a health,  
31 accident, or other insurance policy covering such executive officer

1 contains an exclusion of coverage if the executive officer is otherwise  
2 entitled to workers' compensation coverage, such exclusion is null and  
3 void as to such executive officer.

4 It is the intent of the Legislature that the changes made to this  
5 subdivision by Laws 2002, LB 417, shall apply to policies of insurance  
6 against liability arising under the act with an effective date on or  
7 after January 1, 2003, but shall not apply to any such policy with an  
8 effective date prior to January 1, 2003;

9 (9) ~~(10)~~ Each individual employer, partner, limited liability  
10 company member, or self-employed person who is actually engaged in the  
11 individual employer's, partnership's, limited liability company's, or  
12 self-employed person's business on a substantially full-time basis who  
13 elects to bring himself or herself within the provisions of the Nebraska  
14 Workers' Compensation Act. Such election shall be in writing and filed  
15 with the workers' compensation insurer. Such election shall be effective  
16 upon receipt by the insurer for the current policy and subsequent  
17 policies issued by such insurer and shall remain in effect until the  
18 election is terminated, in writing, by such person and the termination is  
19 filed with the insurer or until the insurer ceases to provide coverage  
20 for the business, whichever occurs first. If insurance is provided  
21 through a master policy or a multiple coordinated policy pursuant to the  
22 Professional Employer Organization Registration Act on or after January  
23 1, 2012, then such election or termination of election shall also be  
24 filed with the professional employer organization. If coverage under the  
25 master policy or multiple coordinated policy ceases, then such election  
26 shall also be effective for a replacement master policy or multiple  
27 coordinated policy obtained by the professional employer organization and  
28 shall remain in effect for the new policy as provided in this  
29 subdivision. If any such person who is actually engaged in the business  
30 on a substantially full-time basis has not elected to bring himself or  
31 herself within the provisions of the Nebraska Workers' Compensation Act

1 pursuant to this subdivision and a health, accident, or other insurance  
2 policy covering such person contains an exclusion of coverage if such  
3 person is otherwise entitled to workers' compensation coverage, such  
4 exclusion shall be null and void as to such person; and

5 (10) ~~(11)~~ An individual lessor of a commercial motor vehicle leased  
6 to a motor carrier and driven by such individual lessor who elects to  
7 bring himself or herself within the provisions of the Nebraska Workers'  
8 Compensation Act. Such election is made if he or she agrees in writing  
9 with the motor carrier to have the same rights as an employee only for  
10 purposes of workers' compensation coverage maintained by the motor  
11 carrier. For an election under this subdivision, the motor carrier's  
12 principal place of business must be in this state and the motor carrier  
13 must be authorized to self-insure liability under the Nebraska Workers'  
14 Compensation Act. Such an election shall (a) be effective from the date  
15 of such written agreement until such agreement is terminated, (b) be  
16 enforceable against such self-insured motor carrier in the same manner  
17 and to the same extent as claims arising under the Nebraska Workers'  
18 Compensation Act by employees of such self-insured motor carrier, and (c)  
19 not be deemed to be a contract of insurance for purposes of Chapter 44.  
20 Section 48-111 shall apply to the individual lessor and the self-insured  
21 motor carrier with respect to personal injury or death caused to such  
22 individual lessor by accident or occupational disease arising out of and  
23 in the course of performing services for such self-insured motor carrier  
24 in connection with such lease while such election is effective.

25 Sec. 5. Section 48-126.01, Revised Statutes Cumulative Supplement,  
26 2020, is amended to read:

27 48-126.01 (1)(a) In determining the compensation to be paid any  
28 member of the military forces of this state, ~~any member of a law~~  
29 ~~enforcement reserve force,~~ or any member of the Nebraska Emergency  
30 Management Agency, any city, village, county, or interjurisdictional  
31 emergency management organization, or any state emergency response team,

1 which military forces, ~~law enforcement reserve force~~, or emergency  
2 management agency, organization, or team is organized under the laws of  
3 the State of Nebraska, or any person fulfilling conditions of probation,  
4 or community service as defined in section 29-2277, pursuant to any order  
5 of any court of this state who shall be working for a governmental body,  
6 or agency as defined in section 29-2277, pursuant to any condition of  
7 probation, or community service as defined in section 29-2277, for  
8 injuries resulting in disability or death received in the performance of  
9 his or her duties as a member of such military forces, ~~reserve force~~,  
10 agency, organization, or team, or pursuant to an order of any court, the  
11 wages of such a member or person shall be taken to be those received by  
12 him or her from his or her regular employer, and he or she shall receive  
13 such proportion thereof as he or she is entitled to under the provisions  
14 of section 48-121.

15 (b) If a member or person under subdivision (1)(a) of this section  
16 is not regularly employed by some other person, for the purpose of such  
17 determination, it shall be deemed and assumed that he or she is receiving  
18 income from his or her business or from other employment equivalent to  
19 wages in an amount one and one-half times the maximum weekly income  
20 benefit specified in section 48-121.01.

21 (c) If the wages received for the performance of duties as a member  
22 of such military forces, ~~reserve force~~, agency, organization, or team  
23 exceed the wages received from a regular employer, such member shall be  
24 entitled to a rate of compensation based upon wages received as a member  
25 of such military forces, ~~reserve force~~, agency, organization, or team.

26 (2) In determining the compensation rate to be paid any member of a  
27 volunteer fire department in any rural or suburban fire protection  
28 district, city, village, or nonprofit corporation or any member of a  
29 volunteer emergency medical service, which fire department or emergency  
30 medical service is organized under the laws of the State of Nebraska, for  
31 injuries resulting in disability or death received in the performance of



1 his or her duties as a member of such fire department or emergency  
2 medical service, it shall be deemed and assumed that his or her wages are  
3 in an amount one and one-half times the maximum weekly income benefit  
4 specified in section 48-121.01 or the wages received by such member from  
5 his or her regular employment, whichever is greater. Any member of such  
6 volunteer fire department or volunteer emergency medical service shall  
7 not lose his or her volunteer status under the Nebraska Workers'  
8 Compensation Act if such volunteer receives reimbursement for expenses,  
9 reasonable benefits, or a nominal fee, a nominal per call fee, a nominal  
10 per shift fee, or combination thereof. It shall be conclusively presumed  
11 that a fee is nominal if the fee does not exceed twenty percent of the  
12 amount that otherwise would be required to hire a permanent employee for  
13 the same services.

14 Sec. 6. Section 48-145, Revised Statutes Cumulative Supplement,  
15 2020, is amended to read:

16 48-145 To secure the payment of compensation under the Nebraska  
17 Workers' Compensation Act:

18 (1) Every employer in the occupations described in section 48-106,  
19 except the State of Nebraska and any governmental agency created by the  
20 state, shall either (a) insure and keep insured its liability under such  
21 act in some corporation, association, or organization authorized and  
22 licensed to transact the business of workers' compensation insurance in  
23 this state, (b) in the case of an employer who is a lessor of one or more  
24 commercial vehicles leased to a self-insured motor carrier, be a party to  
25 an effective agreement with the self-insured motor carrier under section  
26 48-115.02, (c) be a member of a risk management pool authorized and  
27 providing group self-insurance of workers' compensation liability  
28 pursuant to the Intergovernmental Risk Management Act, or (d) with  
29 approval of the Nebraska Workers' Compensation Court, self-insure its  
30 workers' compensation liability.

31 An employer seeking approval to self-insure shall make application

1 to the compensation court in the form and manner as the compensation  
2 court may prescribe, meet such minimum standards as the compensation  
3 court shall adopt and promulgate by rule and regulation, and furnish to  
4 the compensation court satisfactory proof of financial ability to pay  
5 direct the compensation in the amount and manner when due as provided for  
6 in the Nebraska Workers' Compensation Act. Approval is valid for the  
7 period prescribed by the compensation court unless earlier revoked  
8 pursuant to this subdivision or subsection (1) of section 48-146.02.  
9 Notwithstanding subdivision (1)(d) of this section, a professional  
10 employer organization shall not be eligible to self-insure its workers'  
11 compensation liability. The compensation court may by rule and regulation  
12 require the deposit of an acceptable security, indemnity, trust, or bond  
13 to secure the payment of compensation liabilities as they are incurred.  
14 The agreement or document creating a trust for use under this section  
15 shall contain a provision that the trust may only be terminated upon the  
16 consent and approval of the compensation court. Any beneficial interest  
17 in the trust principal shall be only for the benefit of the past or  
18 present employees of the self-insurer and any persons to whom the self-  
19 insurer has agreed to pay benefits under subdivision (10) ~~(11)~~ of section  
20 48-115 and section 48-115.02. Any limitation on the termination of a  
21 trust and all other restrictions on the ownership or transfer of  
22 beneficial interest in the trust assets contained in such agreement or  
23 document creating the trust shall be enforceable, except that any  
24 limitation or restriction shall be enforceable only if authorized and  
25 approved by the compensation court and specifically delineated in the  
26 agreement or document. The trustee of any trust created to satisfy the  
27 requirements of this section may invest the trust assets in the same  
28 manner authorized under subdivisions (1)(a) through (i) of section  
29 30-3209 for corporate trustees holding retirement or pension funds for  
30 the benefit of employees or former employees of cities, villages, school  
31 districts, or governmental or political subdivisions, except that the

1 trustee shall not invest trust assets into stocks, bonds, or other  
2 obligations of the trustor. If, as a result of such investments, the  
3 value of the trust assets is reduced below the acceptable trust amount  
4 required by the compensation court, then the trustor shall deposit  
5 additional trust assets to account for the shortfall.

6 Notwithstanding any other provision of the Nebraska Workers'  
7 Compensation Act, a three-judge panel of the compensation court may,  
8 after notice and hearing, revoke approval as a self-insurer if it finds  
9 that the financial condition of the self-insurer or the failure of the  
10 self-insurer to comply with an obligation under the act poses a serious  
11 threat to the public health, safety, or welfare. The Attorney General,  
12 when requested by the administrator of the compensation court, may file a  
13 motion pursuant to section 48-162.03 for an order directing a self-  
14 insurer to appear before a three-judge panel of the compensation court  
15 and show cause as to why the panel should not revoke approval as a self-  
16 insurer pursuant to this subdivision. The Attorney General shall be  
17 considered a party for purposes of such motion. The Attorney General may  
18 appear before the three-judge panel and present evidence that the  
19 financial condition of the self-insurer or the failure of the self-  
20 insurer to comply with an obligation under the act poses a serious threat  
21 to the public health, safety, or welfare. The presiding judge shall rule  
22 on a motion of the Attorney General pursuant to this subdivision and, if  
23 applicable, shall appoint judges of the compensation court to serve on  
24 the three-judge panel. The presiding judge shall not serve on such panel.  
25 Appeal from a revocation pursuant to this subdivision shall be in  
26 accordance with section 48-185. No such appeal shall operate as a  
27 supersedeas unless the self-insurer executes to the compensation court a  
28 bond with one or more sureties authorized to do business within the State  
29 of Nebraska in an amount determined by the three-judge panel to be  
30 sufficient to satisfy the obligations of the self-insurer under the act;

31 (2) An approved self-insurer shall furnish to the State Treasurer an

1 annual amount equal to two and one-half percent of the prospective loss  
2 costs for like employment but in no event less than twenty-five dollars.  
3 Prospective loss costs is defined in section 48-151. The compensation  
4 court is the sole judge as to the prospective loss costs that shall be  
5 used. All money which a self-insurer is required to pay to the State  
6 Treasurer, under this subdivision, shall be computed and tabulated under  
7 oath as of January 1 and paid to the State Treasurer immediately  
8 thereafter. The compensation court or designee of the compensation court  
9 may audit the payroll of a self-insurer at the compensation court's  
10 discretion. All money paid by a self-insurer under this subdivision shall  
11 be credited to the General Fund;

12 (3) Every employer who fails, neglects, or refuses to comply with  
13 the conditions set forth in subdivision (1) or (2) of this section shall  
14 be required to respond in damages to an employee for personal injuries,  
15 or when personal injuries result in the death of an employee, then to his  
16 or her dependents; and

17 (4) Any security, indemnity, trust, or bond provided by a self-  
18 insurer pursuant to subdivision (1) of this section shall be deemed a  
19 surety for the purposes of the payment of valid claims of the self-  
20 insurer's employees and the persons to whom the self-insurer has agreed  
21 to pay benefits under the Nebraska Workers' Compensation Act pursuant to  
22 subdivision (10) ~~(11)~~ of section 48-115 and section 48-115.02 as  
23 generally provided in the act.

24 Sec. 7. Section 48-147, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 48-147 Nothing in the Nebraska Workers' Compensation Act shall  
27 affect any existing contract for employers liability insurance, or affect  
28 the organization of any mutual or other insurance company, or any  
29 arrangement existing between employers and employees, providing for  
30 payment to such employees, their families, dependents, or  
31 representatives, sick, accident, or death benefits in addition to the

1 compensation provided for by such act; but liability for compensation  
2 under such act shall not be reduced or affected by any insurance of the  
3 injured employee, or any contribution or other benefit whatsoever, due to  
4 or received by the person entitled to such compensation, and the person  
5 so entitled shall, irrespective of any insurance or other contract, have  
6 the right to recover the same directly from the employer, and in addition  
7 thereto, the right to enforce in his or her own name in the manner  
8 provided in section 48-146 the liability of any insurer who may, in whole  
9 or in part, have insured the liability for such compensation. Payment in  
10 whole or in part of such compensation by either the employer or the  
11 insurer, as the case may be, shall, to the extent thereof, be a bar to  
12 recovery against the other of the amount so paid. No agreement by an  
13 employee to pay any portion of premium paid by his or her employer or to  
14 contribute to a benefit fund or department maintained by such employer  
15 for the purpose of providing compensation as required by the Nebraska  
16 Workers' Compensation Act shall be valid, and any employer who makes a  
17 deduction for such purpose from the pay of any employee entitled to the  
18 benefits of such act shall be guilty of a Class II misdemeanor. Nothing  
19 in this section invalidates or prohibits agreements pursuant to  
20 subdivision (10) ~~(11)~~ of section 48-115 or section 48-115.02.

21 Sec. 8. Section 48-2709, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 48-2709 (1) The responsibility to obtain workers' compensation  
24 coverage for employees covered by the professional employer agreement and  
25 for other employees of the client shall be allocated in the professional  
26 employer agreement to the client, the professional employer organization,  
27 or both, in accordance with this section. If any such responsibility is  
28 allocated to the professional employer organization, the professional  
29 employer organization shall:

30 (a) Advise the client of the provisions of subdivisions (8) ~~(9)~~ and  
31 (9) ~~(10)~~ of section 48-115;

1 (b) Advise the client of its obligation to obtain an additional  
2 workers' compensation insurance policy if the professional employer  
3 organization's policy limits coverage to co-employees as specified in the  
4 professional employer agreement; and

5 (c) Provide the client with the name of the insurer providing  
6 coverage, the policy number, claim notification instructions, and any  
7 itemized charges that are to be made for workers' compensation coverage  
8 within ten days after enrollment.

9 (2)(a) If all employees of the client are not covered employees  
10 under the professional employer agreement, then a workers' compensation  
11 insurance policy obtained by the professional employer organization to  
12 cover employees of the client may be written to limit coverage to those  
13 employees who are co-employees of the professional employer organization  
14 and the client. If a professional employer organization's policy limits  
15 coverage to co-employees as specified in the professional employer  
16 agreement, then the client shall obtain an additional workers'  
17 compensation insurance policy. The policy obtained by the client shall be  
18 written to cover any and all employees not covered by the professional  
19 employer organization's policy, including any potential new or unknown  
20 employees. All insurance policies issued pursuant to this subsection  
21 shall be subject to and shall comply with the requirements of this  
22 subsection and any rule or regulation adopted by the Department of  
23 Insurance.

24 (b) If all employees of the client are covered employees under the  
25 professional employer agreement, then a workers' compensation insurance  
26 policy obtained by the professional employer organization to cover  
27 employees of the client must be written to cover any and all employees of  
28 the client, including potential new or unknown employees that may not be  
29 covered employees under the agreement.

30 (c) A professional employer organization shall not split coverage  
31 that it obtains for a client between two or more policies.

1 (d) A professional employer organization shall not split coverage  
2 for its direct-hire employees between two or more policies.

3 (e) The Department of Insurance may adopt and promulgate rules and  
4 regulations to implement this subsection.

5 (3) If the professional employer agreement allocates responsibility  
6 to the professional employer organization to obtain workers' compensation  
7 coverage only for co-employees, then the professional employer  
8 organization shall provide the following information to the administrator  
9 of the Nebraska Workers' Compensation Court. Such information shall be  
10 provided for any such professional employer agreement in effect on  
11 January 1, 2012, and prior to the effective date of any new professional  
12 employer agreement or any amendment of an agreement adding such a  
13 provision after January 1, 2012, and shall be provided in a form and  
14 manner prescribed by the administrator:

15 (a) The names and addresses of the client and the professional  
16 employer organization;

17 (b) The effective date of the professional employer agreement;

18 (c) A description of the employees covered under the professional  
19 employer agreement;

20 (d) Evidence that any and all other employees of the client are  
21 covered by a valid workers' compensation insurance policy; and

22 (e) Any other information the administrator may require regarding  
23 workers' compensation coverage of the professional employer organization,  
24 the client, or the covered employees.

25 (4) If workers' compensation coverage for a client's employees  
26 covered by the professional employer agreement and for other employees of  
27 the client is not entirely available in the voluntary market, then  
28 assigned risk workers' compensation coverage written subject to section  
29 44-3,158 may only be written on a single policy that covers all employees  
30 and co-employees of the client. Assigned risk workers' compensation  
31 insurance for the professional employer organization may also be written,

1 but only on a basis that covers its direct-hire employees and excludes  
2 employees and co-employees of its clients. The Department of Insurance  
3 may adopt and promulgate rules and regulations to implement this  
4 subsection.

5 (5) If a master policy or multiple coordinated policy providing  
6 coverage to a client is obtained by a professional employer organization,  
7 then the professional employer organization shall provide the client with  
8 a notice that the client shall conspicuously post at its workplace. Such  
9 notice shall provide the name and address of the workers' compensation  
10 insurer and the individual to whom claims shall be directed. If more than  
11 one workers' compensation insurer provides coverage for employees and co-  
12 employees of the client, the client shall post such information for all  
13 such workers' compensation insurers.

14 (6) Both the client and the professional employer organization shall  
15 be considered the employer for purposes of coverage under the Nebraska  
16 Workers' Compensation Act. The protection of the exclusive remedy  
17 provision of the act shall apply to the professional employer  
18 organization, to the client, and to all covered employees and other  
19 employees of the client regardless of which co-employer obtains such  
20 workers' compensation coverage.

21 (7) If a client receives notice of the cancellation, nonrenewal, or  
22 termination of workers' compensation coverage obtained by the  
23 professional employer organization, then the client may withdraw from the  
24 professional employer agreement without penalty unless the client is  
25 notified by the professional employer organization of replacement  
26 coverage within fifteen days after the notice.

27 (8) A professional employer organization shall not impose any fee  
28 increase on a client based on the actual or anticipated cost of workers'  
29 compensation coverage without giving the client at least thirty days'  
30 advance notice and an opportunity to withdraw from the professional  
31 employer agreement without penalty.



1 (9) The professional employer organization shall not make any  
2 materially inaccurate, misleading, or fraudulent representations to the  
3 client regarding the cost of workers' compensation coverage. If the  
4 professional employer organization charges the client an itemized amount  
5 for workers' compensation coverage, the professional employer  
6 organization shall provide the client with an accurate and concise  
7 description of the basis upon which it was calculated and the services  
8 that are included. A professional employer organization shall not charge  
9 a client an itemized amount for workers' compensation coverage that is  
10 materially inconsistent with the actual amounts that the professional  
11 employer organization is charged by the insurer, given reasonably  
12 anticipated loss-sensitive charges, if applicable, reasonable recognition  
13 of the professional employer organization's costs, and a margin for  
14 profit.

15 Sec. 9. Section 81-1401, Revised Statutes Cumulative Supplement,  
16 2020, is amended to read:

17 81-1401 For purposes of sections 81-1401 to 81-1414.10 and sections  
18 12, 15 to 17, and 19 to 24 of this act, unless the context otherwise  
19 requires:

20 (1) Class I railroad means a rail carrier classified as Class I  
21 pursuant to 49 C.F.R. part 1201 1-1;

22 (2) {1} Commission means the Nebraska Commission on Law Enforcement  
23 and Criminal Justice;

24 (3) {2} Council means the Nebraska Police Standards Advisory  
25 Council;

26 (4) {3} Director means the director of the Nebraska Law Enforcement  
27 Training Center;

28 (5) {4} Felony means a crime punishable by imprisonment for a term  
29 of more than one year or a crime committed outside of Nebraska which  
30 would be punishable by imprisonment for a term of more than one year if  
31 committed in Nebraska;

1           (6) ~~(5)~~ Handgun means any firearm with a barrel less than sixteen  
2 inches in length or any firearm designed to be held and fired by the use  
3 of a single hand;

4           ~~(6) Incapacity means incapable of or lacking the ability to perform~~  
5 ~~or carry out the usual duties of a law enforcement officer in accordance~~  
6 ~~with the standards established by the commission due to physical, mental,~~  
7 ~~or emotional factors. Incapacity does not exist if a law enforcement~~  
8 ~~officer remains employed as a law enforcement officer, including~~  
9 ~~employment as a law enforcement officer in a restricted or limited-duty~~  
10 ~~status;~~

11           (7) Law enforcement agency means the police department or the town  
12 marshal in incorporated municipalities, the office of sheriff in  
13 unincorporated areas, ~~and~~ the Nebraska State Patrol, and Class I railroad  
14 police departments;

15           (8)(a) Law enforcement officer means any person who has successfully  
16 completed an entry-level law enforcement certification from a training  
17 academy and who is responsible for the prevention or detection of crime  
18 or the enforcement of the penal, traffic, or highway laws of the state or  
19 any political subdivision of the state for more than one hundred hours  
20 per year and is authorized by law to make arrests and includes, but is  
21 not limited to:

22           (i) A full-time or part-time member of the Nebraska State Patrol;

23           (ii) A county sheriff;

24           (iii) A full-time, or part-time, ~~or~~ reserve employee of a county  
25 sheriff's office;

26           (iv) A full-time, or part-time, ~~or~~ reserve employee of a municipal  
27 or village police agency;

28           (v) A full-time or part-time Game and Parks Commission conservation  
29 officer;

30           (vi) A full-time or part-time deputy state sheriff; ~~or~~

31           (vii) A full-time employee of an organized and paid fire department

1 of any city of the metropolitan class who is an authorized arson  
2 investigator and whose duties consist of determining the cause, origin,  
3 and circumstances of fires or explosions while on duty in the course of  
4 an investigation; or

5 (viii) A full-time Class I railroad police officer;

6 (b) Law enforcement officer includes a noncertified conditional  
7 officer;

8 (c) (b) Law enforcement officer does not include employees of the  
9 Department of Correctional Services, probation officers under the  
10 Nebraska Probation System, parole officers appointed by the Director of  
11 Supervision and Services of the Division of Parole Supervision, or  
12 employees of the Department of Revenue under section 77-366; and

13 (d) Except for a noncertified conditional officer, a (e) A law  
14 enforcement officer shall possess a valid law enforcement officer  
15 certificate or diploma, as established by the council, in order to be  
16 vested with the authority of this section, but this subdivision does not  
17 prohibit an individual from receiving a conditional appointment as an  
18 officer pursuant to subsection (2) of section 81-1414;

19 (9) Misdemeanor crime of domestic violence has the same meaning as  
20 in section 28-1206;

21 (10) Non-certified conditional officer means a person appointed  
22 pursuant to subsection (6) of section 81-1414;

23 (11) Serious misconduct means improper or illegal actions taken by a  
24 law enforcement officer that have a rational connection with the person's  
25 fitness or capacity to serve as a law enforcement officer and includes,  
26 but is not limited to:

27 (a) Conviction of a felony or misdemeanor crime of domestic  
28 violence;

29 (b) Fabrication of evidence;

30 (c) Repeated substantiated allegations of the use of excessive  
31 force;

- 1           (d) Acceptance of a bribe;
- 2           (e) Commission of fraud or perjury; or
- 3           (f) Sexual assault;

4           (12) (9) Training academy means the training center or such other  
5 council-approved law enforcement training facility operated and  
6 maintained by a law enforcement agency which offers certification  
7 training that meets or exceeds the certification training curriculum of  
8 the training center;

9           (13) (10) Training center means the Nebraska Law Enforcement  
10 Training Center; and

11           (14) (11) Training school means a public or private institution of  
12 higher education, including the University of Nebraska, the Nebraska  
13 state colleges, and the community colleges of this state, that offers  
14 training in a council-approved pre-certification course.

15           Sec. 10. Section 81-1403, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17           81-1403 Subject to review and approval by the commission, the  
18 council shall:

19           (1) Adopt and promulgate rules and regulations for law enforcement  
20 pre-certification, certification, continuing education, and training  
21 requirements. Such rules and regulations may include the authority to  
22 impose a fine on any individual, political subdivision, or agency who or  
23 which violates sections 81-1401 to 81-1414.10 and sections 12, 15 to 17,  
24 and 19 to 24 of this act or any of such rules and regulations adopted and  
25 promulgated thereunder. The fine for each separate violation of such  
26 sections 81-1401 to 81-1414.10 or of any such rule or regulation adopted  
27 and promulgated by the council pursuant to such sections shall not exceed  
28 either (a) a one-time maximum fine of five hundred dollars or (b) a  
29 maximum fine of one hundred dollars per day until the individual,  
30 political subdivision, or agency complies with such rules or regulations.  
31 ~~All fines collected pursuant to this subdivision shall be remitted to the~~

1 ~~State Treasurer for distribution in accordance with Article VII, section~~  
2 ~~5, of the Constitution of Nebraska;~~

3 (2) Adopt and promulgate rules and regulations for the operation of  
4 the training center;

5 (3) Recommend to the executive director of the commission the names  
6 of persons to be appointed to the position of director of the training  
7 center;

8 (4) Establish requirements for satisfactory completion of pre-  
9 certification programs, certification programs, and advanced training  
10 programs;

11 (5) Issue certificates or diplomas attesting satisfactory completion  
12 of pre-certification programs, certification programs, and advanced  
13 training programs;

14 (6) Revoke or suspend such certificates or diplomas according to  
15 rules and regulations adopted and promulgated by the council pursuant to  
16 sections 81-1401 to 81-1414.10 and sections 12, 15 to 17, and 19 to 24 of  
17 this act for reasons which shall include, but not be limited to: ~~r~~

18 ~~(a) Final~~ (a) ~~incompetence, (b) neglect of duty, (c) physical,~~  
19 ~~mental, or emotional incapacity, and (d) final~~ conviction of or pleading  
20 guilty or nolo contendere to a:

21 (i) Felony violation of state or federal law;

22 (ii) Misdemeanor crime of domestic violence; or

23 (iii) Misdemeanor violation of state or federal law, if the  
24 violation has a rational connection with the officer's fitness or  
25 capacity to serve as a law enforcement officer;

26 (b) Serious misconduct; or

27 (c) A violation of the officer's oath of office, code of ethics, or  
28 statutory duties;

29 (7) The council shall adopt and promulgate rules and regulations  
30 that:

31 (a) Provide felony. The rules and regulations shall provide for the

1 revocation of a certificate or diploma without a hearing upon the  
2 certificate or diploma holder's final conviction of or pleading guilty or  
3 nolo contendere to a felony or misdemeanor described in subdivision (6)  
4 of this section; and ~~. When a law enforcement officer is separated from~~  
5 ~~his or her agency due to physical, mental, or emotional incapacity, the~~  
6 ~~law enforcement agency shall report the separation to the council, and~~  
7 ~~the officer's law enforcement certificate shall be suspended pursuant to~~  
8 ~~rules and regulations adopted and promulgated by the council until such~~  
9 ~~time as the officer demonstrates to the council that the incapacity no~~  
10 ~~longer prevents the officer from performing the essential duties of a law~~  
11 ~~enforcement officer. The council shall adopt and promulgate rules and~~  
12 ~~regulations to include~~

13 (b) Include a procedure for hearing appeals of any person who feels  
14 that the revocation or suspension of his or her certificate or diploma  
15 was in error;

16 (8) (7) Set the tuition and fees for the training center and all  
17 officers of other training academies not employed by that training  
18 academy's agency. The tuition and fees set for the training center  
19 pursuant to this subdivision shall be adjusted annually pursuant to the  
20 training center budget approved by the Legislature. All other tuition and  
21 fees shall be set in order to cover the costs of administering sections  
22 81-1401 to 81-1414.10 and sections 12, 15 to 17, and 19 to 24 of this  
23 act. All tuition and fees shall be remitted to the State Treasurer for  
24 credit to the Nebraska Law Enforcement Training Center Cash Fund;

25 (9) (8) Annually certify any training academies providing a basic  
26 course of law enforcement training which complies with the qualifications  
27 and standards promulgated by the council and offering training that meets  
28 or exceeds training that is offered by the training center. The council  
29 shall set the maximum and minimum applicant enrollment figures for  
30 training academies training non-agency officers;

31 (10) (9) Extend the programs of the training center throughout the

1 state on a regional basis; and

2 ~~(10) Establish the qualifications, standards, and continuing~~  
3 ~~education requirements and provide the training required by section~~  
4 ~~81-1439; and~~

5 (11) Do all things necessary to carry out the purpose of the  
6 training center, except that functional authority for budget and  
7 personnel matters shall remain with the commission.

8 Any administrative fine imposed under this section shall constitute  
9 a debt to the State of Nebraska which may be collected by lien  
10 foreclosure or sued for and recovered in any proper form of action by the  
11 office of the Attorney General in the name of the State of Nebraska in  
12 the district court of the county where the final agency action was taken.  
13 All fines imposed by the council shall be remitted to the State Treasurer  
14 for distribution in accordance with Article VII, section 5, of the  
15 Constitution of Nebraska.

16 Sec. 11. Section 81-1407, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 81-1407 (1)(a) ~~(1)~~ The Nebraska Police Standards Advisory Council  
19 shall consist of nine ~~seven~~ members appointed by the Governor.

20 (b) Eight ~~Six~~ of the members shall be full-time officers or  
21 employees of a law enforcement agency. Such members ~~and~~ shall include:

22 (i) A ~~one~~ representative chief of police or his or her designee from  
23 a city of the metropolitan ~~or primary~~ class;

24 (ii) A representative chief of police or his or her designee from a  
25 city of the primary class;

26 (iii) A ~~—~~ representative chief of police or his or her designee  
27 from a city of the first class;

28 (iv) A ~~—~~ representative chief of police or his or her designee  
29 from a city of the second class or village;

30 (v) A ~~—~~ county sheriff or his or her designee from a county having  
31 a population of forty thousand or more;

1           (vi) A  ~~,~~ a county sheriff or his or her designee from a county  
2 having a population of forty thousand or less;

3           (vii) A  ~~,~~ and a member of the Nebraska State Patrol; and  ~~-~~

4           (viii) A sworn law enforcement officer holding the rank of sergeant  
5 or below.

6           (c) The ninth ~~seventh~~ member shall be a member of the Jail Standards  
7 Board or a person from the public at large. ~~The representative chief of~~  
8 ~~police or his or her designee from a city of the metropolitan or primary~~  
9 ~~class shall not be a regular member of the commission.~~

10           (2) Except as otherwise provided in this subsection, the ~~The~~ members  
11 of the council shall serve for terms of four years each. Within ninety  
12 days after the effective date of this act, the Governor shall appoint the  
13 new members added by this legislative bill. Of such members one shall  
14 serve a term of three years and one shall serve a term of four years.  
15 Each succeeding member shall be appointed for a term of four years. Of  
16 ~~the members first appointed, one shall serve for a term of one year, one~~  
17 ~~shall serve for a term of two years, one shall serve for a term of three~~  
18 ~~years, and two shall serve for terms of four years from January 1 next~~  
19 ~~succeeding their appointment. Within ninety days after July 16, 1994, the~~  
20 ~~Governor shall appoint the two additional members who shall serve for~~  
21 ~~terms of four years from January 1 next succeeding their appointment. A~~  
22 member may be reappointed at the expiration of his or her term. Any  
23 vacancy occurring otherwise than by expiration of a term shall be filled,  
24 for the remainder of the unexpired term, in the same manner as the  
25 original appointment. The council shall select one of its members as  
26 chairperson.

27           (3) No member of the council shall serve beyond the time when he or  
28 she holds the office or employment by reason of which he or she was  
29 initially eligible for appointment. A member may be removed from the  
30 council for cause upon notice and an opportunity to be heard at a public  
31 hearing before the Governor. After the hearing, the Governor shall file



1 in the office of the Secretary of State a complete statement of the  
2 charges, his or her findings and disposition, together with a complete  
3 record of the proceedings.

4 Sec. 12. As part of entry-level law enforcement certification, each  
5 training academy shall require completion of de-escalation training. The  
6 de-escalation training shall include training related to mental health  
7 behaviors, substance abuse, anti-bias, implicit bias, and communicating  
8 with a person in a crisis.

9 Sec. 13. Section 81-1412.02, Reissue Revised Statutes of Nebraska,  
10 is amended to read:

11 81-1412.02 The person in charge of any agency employing law  
12 enforcement officers shall submit to the council a register of full-time  
13 and ~~7~~ ~~part-time,~~ ~~and~~ ~~reserve~~ law enforcement officers employed by his or  
14 her agency and whether each law enforcement officer passed or failed the  
15 handgun qualification. The council shall adopt and promulgate rules and  
16 regulations governing the submission of agency registers. The register  
17 shall include the name of each law enforcement officer, whether the law  
18 enforcement officer passed or failed the handgun qualification, the name  
19 of the instructor who administered the course, the date of handgun  
20 qualification, and the type of handgun used in handgun qualification. An  
21 agency that fails to submit a handgun qualification register pursuant to  
22 this section shall be subject to a fine of one hundred dollars for each  
23 day of noncompliance. All fines collected under this section shall be  
24 remitted to the State Treasurer for credit to the Law Enforcement  
25 Improvement Fund.

26 Sec. 14. Section 81-1414, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 81-1414 (1) On and after January 1, 1972, law enforcement officers  
29 already serving under permanent appointment shall not be required to meet  
30 any requirement of subsection (2) of this section as a condition of  
31 tenure or continued employment.

1           (2) ~~Except as provided in subsection (6) of this section, on or~~ and  
2 after January 1, 1972, no person shall receive appointment as a law  
3 enforcement officer unless such person:

4           (a) ~~Has he or she has~~ been awarded a certificate or diploma by the  
5 commission attesting to satisfactory completion of the minimum curriculum  
6 of the training center as established by the council;

7           (b) ~~Has or has~~ been awarded a certificate or diploma attesting to  
8 satisfactory completion of a training program approved by which the  
9 council as finds equivalent to the curriculum in subdivision (1)(a) of  
10 this section; or

11           (c) Is certified as a law enforcement officer in another state and  
12 has applied, completed a reciprocity program, and been approved as  
13 provided in section 17 of this act.

14           (3) ~~The~~ thereto. Any person who has not been awarded such a  
15 certificate or diploma may receive an appointment conditioned on  
16 satisfactory completion of such training if he or she immediately applies  
17 for admission to the training center or any training academy and enrolls  
18 in the next available basic training class. If such training is not  
19 completed within one year after the appointment, the person's employment  
20 shall not be renewed by a political subdivision appointment or otherwise  
21 and such person shall no longer be recognized as a law enforcement  
22 officer, except that in cases of extreme hardship, upon application by  
23 the officer, the council may grant a waiver to allow the officer to  
24 complete the basic training program as soon as is practicable after the  
25 one-year time allowance. Any individual who is not certified in  
26 accordance with this section and has worked as a law enforcement officer  
27 for multiple law enforcement agencies or political subdivisions shall  
28 have his or her time of employment aggregated in order to determine if he  
29 or she has worked for more than one year. If that law enforcement  
30 officer's aggregate time of employment exceeds one year, that officer  
31 shall not be recognized as a law enforcement officer for any political

1 ~~subdivision until he or she has satisfactorily completed such~~  
2 ~~certification training. For purposes of this section, the council shall~~  
3 ~~deem the successful completion of the federal Bureau of Indian Affairs~~  
4 ~~basic police training program as administered by the Federal Law~~  
5 ~~Enforcement Training Center to constitute such equivalent training under~~  
6 subdivision (1)(b) of this section, and officers certified by virtue of  
7 such equivalent training may exercise full law enforcement authority  
8 exclusively on tribal lands.

9 (4) (3) Law enforcement officers who are promoted in rank shall  
10 satisfactorily complete such council-approved training within one year of  
11 such promotion.

12 (5) (4) At the direction of the council, the director shall issue a  
13 certificate or diploma attesting to a compliance with the requirements of  
14 subsection (2), ~~or~~ (3), or (4) of this section to any applicant who  
15 presents evidence of satisfactory completion of a council-approved  
16 training program.

17 (6)(a) A person who has not been awarded such a certificate or  
18 diploma may receive an appointment as a noncertified conditional officer  
19 subject to the provisions and requirements of this subsection.

20 (b) A noncertified conditional officer shall meet all requirements  
21 for admission to the training center and shall immediately apply for  
22 admission to the training center and enroll in the next available basic  
23 training class.

24 (c) A noncertified conditional officer shall not wear a badge.

25 (d) A noncertified conditional officer may interact with the public  
26 and carry a firearm only after completion of the following training:

27 (i) Twenty-four hours of use of force training, including defensive  
28 tactics, arrest control, handcuffing, pat down, and complete searches;

29 (ii) Sixteen hours of firearms training and passing the minimum  
30 requirements for the handgun qualification course as provided in section  
31 81-1412.01;

1           (iii) Twelve hours of arrest and search and seizure training with  
2 Fourth and Fifth Amendment training;

3           (iv) Eight hours of de-escalation training;

4           (v) Eight hours of mental health crisis training;

5           (vi) Eight hours of anti-bias and implicit bias training; and

6           (vii) Four hours of substance abuse training.

7           (e) The head of the law enforcement agency employing a noncertified  
8 conditional officer shall validate the completion of the training  
9 required under subdivision (6)(d) of this section to the council and the  
10 director of the training center.

11           (f) A noncertified conditional officer shall not interact with the  
12 public unless such officer is under the direct supervision of a field  
13 training officer approved by the law enforcement agency employing such  
14 non-certified conditional officer.

15           (g) A noncertified conditional officer shall not, without direct  
16 guidance and authorization from an approved field training officer:

17           (i) Ride in a marked police cruiser;

18           (ii) Make arrests;

19           (iii) Interview suspects, victims, or witnesses; or

20           (iv) Carry out any other law enforcement function.

21           (h) A noncertified conditional officer may be employed for a period  
22 not to exceed sixteen consecutive weeks. A noncertified conditional  
23 officer may apply to the council for an extension of such period as  
24 follows:

25           (i) The council may grant an extension not to exceed two consecutive  
26 weeks for good cause shown;

27           (ii) The council may grant an extension not to exceed sixteen  
28 consecutive weeks upon the following showing:

29           (A) That the noncertified conditional officer immediately applied  
30 for admission to the training center upon their appointment under this  
31 subsection;

1           (B) That the training center denied the officer's enrollment in the  
2 next basic training class due to class size limitations or another reason  
3 that was not the fault of the officer;

4           (C) That the officer will enroll in the next available basic  
5 training class for which such officer's enrollment is confirmed by the  
6 training center; and

7           (D) That such extension is not for the purpose of evading the  
8 requirements, limitations, or intent of this subsection.

9           (i) Failure to follow the requirements and restrictions of this  
10 subsection shall be considered a violation of the law and neglect of  
11 duty.

12           (j) The council may adopt and promulgate rules and regulations as  
13 necessary to carry out this subsection, including, but not limited to,  
14 rules and regulations permitting the virtual or online completion of  
15 required training and minimum standards and qualifications for field  
16 training officers. Prior to the expiration of ninety days after any such  
17 rules and regulations adopted become effective, any certified law  
18 enforcement officer with not less than three years of experience may  
19 serve as a field training officer.

20           Sec. 15. Section 81-1457, Revised Statutes Cumulative Supplement,  
21 2020, is amended to read:

22           ~~81-1457~~ (1) A person who ~~is certified under section 81-1414~~ and who  
23 seeks employment as a law enforcement officer in this state shall provide  
24 a signed waiver to the prospective employer upon a conditional offer of  
25 employment. The waiver must expressly allow the prospective employer to  
26 contact the person's former employer or employers and obtain from each  
27 copies of any records created under subsections (2) and (3) of section 20  
28 of this act or under comparable laws in another jurisdiction ~~81-1456~~. The  
29 prospective employer is responsible for providing the waiver to each  
30 former employer.

31           (2) The waiver required by this section shall be executed on a form

1 provided by the commission ~~Nebraska Commission on Law Enforcement and~~  
2 ~~Criminal Justice~~ to all agencies in this state that employ or administer  
3 oaths of office to law enforcement officers certified by the commission.

4 (3) Within ten calendar days after receipt of the waiver, a former  
5 employer shall provide the prospective employer, along with other  
6 information required or allowed to be provided by law, copies of any  
7 records created under subsections (2) and (3) of section 20 of this act  
8 ~~81-1456~~. The names and any identifying information in any records created  
9 under subsections (2) and (3) of this section of any individual, witness,  
10 or law enforcement officer or officers other than the person who signed  
11 the waiver shall be confidential and not disclosed to the prospective  
12 employer.

13 (4) A prospective employer shall not hire as a law enforcement  
14 officer a person to whom subsection (1) of this section applies unless  
15 the prospective employer receives, from each of the person's former  
16 employers whether located in Nebraska or in another jurisdiction, copies  
17 of any records created under subsections (2) and (3) of section 20 of  
18 this act or such other jurisdiction's comparable laws ~~81-1456~~.

19 (5) A prospective employer shall not hire as a law enforcement  
20 officer a person to whom subsection (1) of this section applies if such  
21 person's former employer has provided notice to the commission ~~Nebraska~~  
22 ~~Commission on Law Enforcement and Criminal Justice~~ that the person's  
23 separation from the former employer occurred under circumstances that may  
24 justify revocation of the person's certification unless the commission  
25 has reviewed the notification and issued a determination that the person  
26 shall retain such certification.

27 (6) For purposes of this section:

28 (a) Former employer means the law enforcement agency or other agency  
29 that currently employs or previously employed the person as a law  
30 enforcement officer, whether located in Nebraska or in another  
31 jurisdiction; and

1           ~~(b) Incapacity has the same meaning as in section 81-1401;~~

2           ~~(c) Law enforcement agency has the same meaning as in section~~  
3 ~~81-1401;~~

4           ~~(d) Law enforcement officer has the same meaning as in section~~  
5 ~~81-1401; and~~

6           **(b)** ~~(e)~~ Prospective employer means the law enforcement agency or  
7 other agency that is considering hiring the person as a law enforcement  
8 officer.

9           Sec. 16. (1) Prior to hiring a person as a law enforcement officer,  
10 a law enforcement agency shall, if such person has not previously worked  
11 as a law enforcement officer in Nebraska, cause such person to undergo a  
12 psychological evaluation to determine fitness for duty. The cost of such  
13 evaluation shall be the responsibility of the agency.

14           (2) The council may adopt and promulgate rules and regulations to  
15 carry out this section.

16           Sec. 17. (1) A person seeking certification under subdivision (2)  
17 (c) of section 81-1414 shall, in addition to any other applicable  
18 requirements of the commission or of sections 81-1401 to 81-1414.10 and  
19 sections 12, 15 to 17, and 19 to 24 of this act, submit an application to  
20 the council and complete a reciprocity program as provided in this  
21 section. The application shall be made under oath and made on a form  
22 provided by the council.

23           (2) The applicant shall attest to the following:

24           (a) That the applicant's certification as a law enforcement officer  
25 has not been revoked or suspended in another jurisdiction;

26           (b) That the applicant has not been convicted of or pleaded guilty  
27 or nolo contendere to a:

28           (i) Felony violation of state or federal law;

29           (ii) Misdemeanor crime of domestic violence; or

30           (iii) Misdemeanor violation of state or federal law, if the  
31 violation has a rational connection with the officer's fitness or

1 capacity to serve as a law enforcement officer;

2 (c) That the applicant has not been separated from employment or  
3 disciplined for serious misconduct or a violation of the officer's oath  
4 of office, code of ethics, or statutory duties; and

5 (d) Any other information deemed necessary by the council.

6 (3) The council shall develop or approve a reciprocity program that  
7 an applicant shall complete prior to receiving certification under this  
8 section.

9 (4) The council shall deny certification to an applicant under this  
10 section if the council finds that the applicant does not meet the  
11 requirements of subsection (2) of this section, has omitted information  
12 required by such subsection, has provided false or misleading information  
13 in the application, or has not completed the reciprocity program.

14 (5) No law enforcement agency or other state or local agency shall  
15 hire as a law enforcement officer a person whose certification is denied  
16 under this section.

17 (6) The council may adopt and promulgate rules and regulations as  
18 necessary to carry out this section.

19 Sec. 18. Section 81-1414.07, Revised Statutes Cumulative Supplement,  
20 2020, is amended to read:

21 81-1414.07 (1)(a) (1) In order to maintain his or her professional  
22 status and serve the law enforcement profession, the community, and the  
23 residents of Nebraska, each law enforcement officer, other than a  
24 noncertified conditional officer, shall attend at least twenty hours of  
25 continuing education courses for the number of hours required in  
26 subdivision (1)(b) of this section in the areas of criminal justice and  
27 law enforcement and at least two hours of anti-bias and implicit bias  
28 training designed to minimize apparent or actual racial profiling during  
29 each calendar year beginning on January 1 and ending on December 31. A  
30 law enforcement officer is not required to meet the continuing education  
31 requirements in the year in which he or she first becomes fully



1 certified.

2 (b) The numbers of continuing education hours required under this  
3 subsection shall be:

4 (i) Until January 1, 2022, twenty hours;

5 (ii) Beginning January 1, 2022, and until January 1, 2023, twenty-  
6 eight hours; and

7 (iii) Beginning January 1, 2023, thirty-two hours.

8 (2) The annual continuing education required by this section shall  
9 include:

10 (a) Refresher course on de-escalation, mental health, and substance  
11 abuse issues;

12 (b) A minimum of two hours of anti-bias and implicit bias training;

13 (c) Firearms;

14 (d) Officer wellness;

15 (e) Legal updates, including, but not limited to, legislative  
16 changes and First Amendment and Fourth Amendment issues;

17 (f) Vehicular pursuit policy review; and

18 (g) Any other training as determined by a law enforcement agency.

19 (3) {2} Continuing education courses may be offered in the form of  
20 seminars, advanced education which may include college or university  
21 classes, conferences, instruction conducted within the law enforcement  
22 officer's law enforcement agency, or instruction conducted over the  
23 Internet. Continuing education , except that instruction conducted over  
24 the Internet shall be limited to ten hours annually, and shall be of a  
25 type which has application to and seeks to maintain and improve the  
26 skills of the law enforcement officer in carrying out his or her duties  
27 and responsibilities.

28 Sec. 19. (1) Each law enforcement agency or agency employing a law  
29 enforcement officer shall have a policy in its standard operating  
30 procedures regarding accepting and investigating complaints of law  
31 enforcement officer misconduct.

1       (2) If an agency receives a complaint of law enforcement misconduct  
2 which could constitute grounds for revocation or suspension under  
3 subdivision (6) of section 81-1403:

4       (a) The agency shall investigate the matter;

5       (b) The investigation shall be carried out by a law enforcement  
6 officer who has experience investigating allegations of misconduct by law  
7 enforcement officers; and

8       (c) The agency shall complete the investigation within one hundred  
9 days after the complaint. If criminal charges against the officer are  
10 being considered, the one-hundred-day deadline shall be tolled until a  
11 charging decision has been made and the prosecuting attorney has filed  
12 charges or declined to file charges. Upon completion of any investigation  
13 under this subsection, the agency shall report the results of the  
14 investigation to the executive director of the commission.

15       (3) If a law enforcement agency determines that a complaint  
16 investigated under subsection (2) of this section may be grounds for  
17 revocation of a law enforcement officer's certification, the agency shall  
18 forward the matter to the commission and the commission shall investigate  
19 such complaint. Any investigation by the commission shall be completed  
20 within one hundred eighty days after receipt of the complaint. If such  
21 investigation is not completed within one hundred eighty days, the  
22 investigation shall be deemed closed and the officer shall be notified.  
23 The commission may begin a new investigation if new information not  
24 available during the previous investigation is received and an  
25 investigation is warranted.

26       Sec. 20. Section 81-1456, Revised Statutes Cumulative Supplement,  
27 2020, is amended to read:

28       ~~81-1456~~ (1) The chief of police, sheriff, Superintendent of Law  
29 Enforcement and Public Safety, or the head administrator of a law  
30 enforcement agency or an agency employing a law enforcement officer shall  
31 submit a personnel change in status form as approved by the council

1 ~~Nebraska Police Standards Advisory Council~~ to the director of the  
2 training center ~~Nebraska Law Enforcement Training Center~~ within seven  
3 calendar days after the date a law enforcement officer is hired by the  
4 agency or leaves employment with the agency.

5 (2) Each law enforcement agency or agency employing a law  
6 enforcement officer shall maintain a record regarding the reason or  
7 reasons for, and circumstances surrounding, a separation of service for  
8 each law enforcement officer employed by that agency. Such record shall  
9 be retained for five years following a law enforcement officer's  
10 separation from the agency.

11 (3) Each law enforcement agency or agency employing a law  
12 enforcement officer shall maintain any and all records of officer conduct  
13 which could constitute grounds for revocation or suspension of a law  
14 enforcement certification by the commission ~~Nebraska Commission on Law~~  
15 ~~Enforcement and Criminal Justice~~. Such record shall include any and all  
16 records of conduct which could constitute grounds for revocation or  
17 suspension under subdivision (6) of section 81-1403 : ~~(a) Incompetence;~~  
18 ~~(b) neglect of duty; (c) incapacity; (d) dishonesty; (e) a felony~~  
19 ~~violation of state or federal law; (f) a misdemeanor violation of state~~  
20 ~~or federal law, if the violation has a rational connection with the~~  
21 ~~officer's fitness or capacity to serve as a law enforcement officer; or~~  
22 ~~(g) a violation of the officer's oath of office, code of ethics, or~~  
23 ~~statutory duties~~. Such record shall be retained for the duration of the  
24 law enforcement officer's employment with the agency and for ten years  
25 following his or her separation from the agency.

26 (4) The chief of police, sheriff, Superintendent of Law Enforcement  
27 and Public Safety, or the head administrator of a law enforcement agency  
28 or an agency employing a law enforcement officer shall make a report to  
29 the commission ~~Nebraska Commission on Law Enforcement and Criminal~~  
30 ~~Justice~~ of any law enforcement officer who is terminated from employment  
31 or allowed to resign in lieu of termination for conduct described in

1 ~~subdivision (6) of section 81-1403 that could constitute: (a)~~  
2 ~~Incompetence; (b) neglect of duty; (c) incapacity; (d) dishonesty; (e) a~~  
3 ~~felony violation of state or federal law; (f) a misdemeanor violation of~~  
4 ~~state or federal law, if the violation has a rational connection with the~~  
5 ~~officer's fitness or capacity to serve as a law enforcement officer; or~~  
6 ~~(g) a violation of the officer's oath of office, code of ethics, or~~  
7 ~~statutory duties. The report shall include, but not be limited to, a~~  
8 ~~summary of the allegations pertaining to the officer and identification~~  
9 ~~of any witnesses relevant to the allegations, and shall be filed with the~~  
10 ~~commission within thirty calendar days of the termination or resignation~~  
11 ~~in lieu of termination.~~

12 (5) Failure to comply with this section shall constitute neglect of  
13 duty.

14 ~~(6) For purposes of this section:~~

15 ~~(a) Felony has the same meaning as in section 81-1401;~~

16 ~~(b) Incapacity has the same meaning as in section 81-1401;~~

17 ~~(c) Law enforcement agency has the same meaning as in section~~  
18 ~~81-1401; and~~

19 ~~(d) Law enforcement officer has the same meaning as in section~~  
20 ~~81-1401.~~

21 Sec. 21. (1) Except when the use of deadly force is authorized, a  
22 law enforcement officer shall not intentionally use a chokehold on any  
23 person.

24 (2) A law enforcement officer shall not intentionally use a carotid  
25 restraint control hold on any person unless:

26 (a) Either:

27 (i) The officer reasonably believes that the person will otherwise  
28 cause death or serious bodily injury to any person, including a law  
29 enforcement officer or non-certified conditional officer;

30 (ii) The person is actively resisting arrest; or

31 (iii) Deadly force is otherwise authorized; and

1           (b) The officer has been trained on the use of such hold.

2           (3) Following use of a carotid restraint control hold, a law  
3 enforcement officer shall create a report of the incident that  
4 articulates in detail the events leading to and following the use of such  
5 hold.

6           (4) For purposes of this section:

7           (a) Carotid restraint control hold means utilizing bilateral  
8 pressure to the sides of a person's neck, restricting the flow of  
9 oxygenated blood to the brain;

10          (b) Chokehold means intentionally applying pressure to the front of  
11 the throat and cutting off air flow for a sustained amount of time; and

12          (c) Serious bodily injury has the same meaning as in section 28-109.

13          Sec. 22. On or before January 1, 2022:

14          (1) Each law enforcement agency shall adopt and provide to the  
15 commission for approval a policy requiring each law enforcement officer  
16 of such agency to intervene when such officer reasonably believes that  
17 another law enforcement officer is engaged in a use of excessive force;  
18 and

19          (2) The commission shall develop and distribute a suggested model  
20 written policy for use by law enforcement agencies, but the commission  
21 shall not mandate the adoption of the model policy except for any  
22 particular law enforcement agency which fails to timely create and  
23 provide to the commission a policy for the agency as required by this  
24 section or when the commission does not approve an agency's policy.

25          Sec. 23. (1)(a) On or before January 1, 2023, each law enforcement  
26 agency shall be accredited in a manner approved by the commission. A law  
27 enforcement agency shall not be accredited unless it has adopted written  
28 policies as determined by the commission and met other requirements as  
29 determined by the commission.

30          (b) Beginning January 1, 2023, the commission shall post on its web  
31 site a list of all law enforcement agencies that are not accredited as

1 required by this subsection. The commission shall update the list at  
2 least annually, and more frequently as the commission deems necessary.

3 (c) A law enforcement agency that is not accredited as required by  
4 this subsection shall be ineligible to receive loans, grants, funds, or  
5 donations administered by the commission until the commission determines  
6 that such agency has been properly accredited.

7 (2) The commission shall develop accreditation requirements. The  
8 commission may provide its own accreditation program and may approve  
9 accreditations provided by third-party providers.

10 (3) The Nebraska Police Improvement and Professionalism Fund is  
11 created. The fund shall be used to provide grants as provided in  
12 subsection (4) of this section. The State Treasurer shall credit to the  
13 fund any funds transferred or appropriated to the fund by the Legislature  
14 and funds received as gifts or grants or other private or public funds  
15 obtained for the purposes set forth in this section. Any money in the  
16 fund available for investment shall be invested by the state investment  
17 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
18 State Funds Investment Act.

19 (4) The commission shall develop a grant program to award grants to  
20 law enforcement agencies to pay for costs of accreditation.

21 (5) The commission may adopt and promulgate rules and regulations to  
22 carry out this section.

23 Sec. 24. (1) On or before July 1, 2022, the commission shall post  
24 on its public web site a list of all law enforcement officers who have,  
25 on or after January 1, 2021:

26 (a) Voluntarily surrendered their certifications or had their  
27 certifications revoked;

28 (b) Been convicted of or pleaded guilty or nolo contendere to a  
29 felony or a Class I misdemeanor; or

30 (c) Upon adjudication by the council, been found to have engaged in  
31 serious misconduct.

1       (2) The list provided for in this section shall be accompanied on  
2 the commission's public web site by a letter that includes, for each law  
3 enforcement officer on such list:

4       (a) The officer's name, rank, and the law enforcement agency for  
5 which such officer works or most recently worked;

6       (b) A statement indicating the reason such officer's name is on the  
7 list;

8       (c) A description of any discipline imposed; and

9       (d) An affirmation, signed by the chief of police, sheriff, or the  
10 head administrator of the officer's law enforcement agency or the  
11 Superintendent of Law Enforcement and Public Safety affirming the truth  
12 and accuracy of the matters stated in the letter.

13       (3) Beginning July 1, 2022, any time a law enforcement officer  
14 voluntarily surrenders such officer's certification, has such  
15 certification revoked, or is adjudicated by the council to have engaged  
16 in serious misconduct, the council shall notify the commission within  
17 thirty days after such surrender, revocation, or adjudication.

18       (4) By July 1, 2022, the council shall establish a procedure,  
19 including an opportunity for a hearing, by which a law enforcement  
20 officer may challenge the inclusion of such officer's name on the list.

21       Sec. 25. Section 81-2014, Revised Statutes Cumulative Supplement,  
22 2020, is amended to read:

23       81-2014 For purposes of the Nebraska State Patrol Retirement Act:

24       (1)(a) Actuarial equivalent means the equality in value of the  
25 aggregate amounts expected to be received under different forms of  
26 payment or to be received at an earlier retirement age than the normal  
27 retirement age.

28       (b) For an officer hired before July 1, 2017, the determinations  
29 shall be based on the 1994 Group Annuity Mortality Table reflecting sex-  
30 distinct factors blended using seventy-five percent of the male table and  
31 twenty-five percent of the female table. An interest rate of eight

1 percent per annum shall be reflected in making the determinations until  
2 such percent is amended by the Legislature.

3 (c) For an officer hired on or after July 1, 2017, or rehired on or  
4 after July 1, 2017, after termination of employment and being paid a  
5 retirement benefit or taking a refund of contributions, the  
6 determinations shall be based on a unisex mortality table and an interest  
7 rate specified by the board. Both the mortality table and the interest  
8 rate shall be recommended by the actuary and approved by the board  
9 following an actuarial experience study, a benefit adequacy study, or a  
10 plan valuation. The mortality table, interest rate, and actuarial factors  
11 in effect on the officer's retirement date will be used to calculate  
12 actuarial equivalency of any retirement benefit. Such interest rate may  
13 be, but is not required to be, equal to the assumed rate of return;

14 (2) Board means the Public Employees Retirement Board;

15 (3)(a)(i) Compensation means gross wages or salaries payable to the  
16 member for personal services performed during the plan year. Compensation  
17 does not include insurance premiums converted into cash payments,  
18 reimbursement for expenses incurred, fringe benefits, per diems, or  
19 bonuses for services not actually rendered, including, but not limited  
20 to, early retirement inducements, cash awards, and severance pay, except  
21 for retroactive salary payments paid pursuant to court order,  
22 arbitration, or litigation and grievance settlements. Compensation  
23 includes overtime pay, member retirement contributions, and amounts  
24 contributed by the member to plans under sections 125 and 457 of the  
25 Internal Revenue Code as defined in section 49-801.01 or any other  
26 section of the code which defers or excludes such amounts from income.

27 (ii) For any officer employed on or prior to January 4, 1979,  
28 compensation includes compensation for unused sick leave or unused  
29 vacation leave converted to cash payments.

30 (iii) For any officer employed after January 4, 1979, and prior to  
31 July 1, 2016, compensation does not include compensation for unused sick



1 leave or unused vacation leave converted to cash payments and includes  
2 compensation for unused holiday compensatory time and unused compensatory  
3 time converted to cash payments.

4 (iv) For any officer employed on or after July 1, 2016, compensation  
5 does not include compensation for unused sick leave, unused vacation  
6 leave, unused holiday compensatory time, unused compensatory time, or any  
7 other type of unused leave, compensatory time, or similar benefits,  
8 converted to cash payments.

9 (b) Compensation in excess of the limitations set forth in section  
10 401(a)(17) of the Internal Revenue Code as defined in section 49-801.01  
11 shall be disregarded. For an employee who was a member of the retirement  
12 system before the first plan year beginning after December 31, 1995, the  
13 limitation on compensation shall not be less than the amount which was  
14 allowed to be taken into account under the retirement system as in effect  
15 on July 1, 1993;

16 (4) Creditable service means service granted pursuant to section  
17 81-2034 and all service rendered while a contributing member of the  
18 retirement system. Creditable service includes working days, sick days,  
19 vacation days, holidays, and any other leave days for which the officer  
20 is paid regular wages except as specifically provided in the Nebraska  
21 State Patrol Retirement Act. Creditable service does not include  
22 eligibility and vesting credit nor service years for which member  
23 contributions are withdrawn and not repaid;

24 (5) Current benefit means the initial benefit increased by all  
25 adjustments made pursuant to the Nebraska State Patrol Retirement Act;

26 (6) DROP means the deferred retirement option plan as provided in  
27 section 81-2041;

28 (7) DROP account means an individual DROP participant's defined  
29 contribution account under section 414(k) of the Internal Revenue Code;

30 (8) DROP period means the amount of time the member elects to  
31 participate in DROP which shall be for a period not to exceed five years

1 from and after the date of the member's DROP election;

2 (9) Eligibility and vesting credit means credit for years, or a  
3 fraction of a year, of participation in a Nebraska government plan for  
4 purposes of determining eligibility for benefits under the Nebraska State  
5 Patrol Retirement Act. Such credit shall be used toward the vesting  
6 percentage pursuant to subsection (2) of section 81-2031 but shall not be  
7 included as years of service in the benefit calculation;

8 (10) Hire date or date of hire means the first day of compensated  
9 service subject to retirement contributions;

10 (11) Initial benefit means the retirement benefit calculated at the  
11 time of retirement;

12 (12) Officer means law enforcement officer as defined in section  
13 81-1401 and as provided for in sections 81-2001 to 81-2009, but does not  
14 include a noncertified conditional law enforcement officer as defined in  
15 section 81-1401 who has been granted an appointment conditioned on  
16 satisfactory completion of a training program approved by the Nebraska  
17 Police Standards Advisory Council;

18 (13) Plan year means the twelve-month period beginning on July 1 and  
19 ending on June 30 of the following year;

20 (14) Regular interest means interest fixed at a rate equal to the  
21 daily treasury yield curve for one-year treasury securities, as published  
22 by the Secretary of the Treasury of the United States, that applies on  
23 July 1 of each year, which may be credited monthly, quarterly,  
24 semiannually, or annually as the board may direct;

25 (15) Required beginning date means, for purposes of the deferral of  
26 distributions, April 1 of the year following the calendar year in which a  
27 member has:

28 (a)(i) Terminated employment with the State of Nebraska; and

29 (ii)(A) Attained at least seventy and one-half years of age for a  
30 member who attained seventy and one-half years of age on or before  
31 December 31, 2019; or

1 (B) Attained at least seventy-two years of age for a member who  
2 attained seventy and one-half years of age on or after January 1, 2020;  
3 or

4 (b)(i) Terminated employment with the State of Nebraska; and  
5 (ii) Otherwise reached the date specified by section 401(a)(9) of  
6 the Internal Revenue Code and the regulations issued thereunder;

7 (16) Retirement application means the form approved and provided by  
8 the retirement system for acceptance of a member's request for either  
9 regular or disability retirement;

10 (17) Retirement date means (a) the first day of the month following  
11 the date upon which a member's request for retirement is received on a  
12 retirement application if the member is eligible for retirement and has  
13 terminated employment or (b) the first day of the month following  
14 termination of employment if the member is eligible for retirement and  
15 has filed an application but has not yet terminated employment;

16 (18) Retirement system or system means the Nebraska State Patrol  
17 Retirement System as provided in the act;

18 (19) Service means employment as a member of the Nebraska State  
19 Patrol and shall not be deemed to be interrupted by (a) temporary or  
20 seasonal suspension of service that does not terminate the employee's  
21 employment, (b) leave of absence authorized by the employer for a period  
22 not exceeding twelve months, (c) leave of absence because of disability,  
23 or (d) military service, when properly authorized by the board. Service  
24 does not include any period of disability for which disability retirement  
25 benefits are received under subsection (1) of section 81-2025;

26 (20) Surviving spouse means (a) the spouse married to the member on  
27 the date of the member's death if married for at least one year prior to  
28 death or if married on the date of the member's retirement or (b) the  
29 spouse or former spouse of the member if survivorship rights are provided  
30 under a qualified domestic relations order filed with the board pursuant  
31 to the Spousal Pension Rights Act. The spouse or former spouse shall

1 supersede the spouse married to the member on the date of the member's  
2 death as provided under a qualified domestic relations order. If the  
3 benefits payable to the spouse or former spouse under a qualified  
4 domestic relations order are less than the value of benefits entitled to  
5 the surviving spouse, the spouse married to the member on the date of the  
6 member's death shall be the surviving spouse for the balance of the  
7 benefits; and

8 (21) Termination of employment occurs on the date on which the  
9 Nebraska State Patrol determines that the officer's employer-employee  
10 relationship with the patrol is dissolved. The Nebraska State Patrol  
11 shall notify the board of the date on which such a termination has  
12 occurred. Termination of employment does not include ceasing employment  
13 with the Nebraska State Patrol if the officer returns to regular  
14 employment with the Nebraska State Patrol or another agency of the State  
15 of Nebraska and there are less than one hundred twenty days between the  
16 date when the employee's employer-employee relationship ceased and the  
17 date when the employer-employee relationship commenced with the Nebraska  
18 State Patrol or another state agency. Termination of employment does not  
19 occur upon an officer's participation in DROP pursuant to section  
20 81-2041. It is the responsibility of the employer that is involved in the  
21 termination of employment to notify the board of such change in  
22 employment and provide the board with such information as the board deems  
23 necessary. If the board determines that termination of employment has not  
24 occurred and a retirement benefit has been paid to a member of the  
25 retirement system pursuant to section 81-2026, the board shall require  
26 the member who has received such benefit to repay the benefit to the  
27 retirement system.

28 Sec. 26. Original sections 29-215, 48-147, 48-2709, 81-1403,  
29 81-1407, 81-1412.02, and 81-1414, Reissue Revised Statutes of Nebraska,  
30 and sections 23-1701.01, 29-2264, 48-115, 48-126.01, 48-145, 81-1401,  
31 81-1414.07, 81-1456, 81-1457, and 81-2014, Revised Statutes Cumulative

1 Supplement, 2020, are repealed.

2           Sec. 27. The following sections are outright repealed: Sections  
3 81-1438, 81-1439, 81-1440, 81-1441, 81-1442, 81-1443, 81-1444, 81-1445,  
4 and 81-1446, Reissue Revised Statutes of Nebraska.