

ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021
COMMITTEE STATEMENT
LB557

Hearing Date: Thursday February 25, 2021
Committee On: Government, Military and Veterans Affairs
Introducer: Hansen, M.
One Liner: Change provisions relating to public records and include body-worn camera recordings in certain circumstances

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 8 Senators Blood, Brewer, Halloran, Hansen, M., Hunt, Lowe, McCollister, Sanders
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:
Senator Matt Hansen
Spike Eickholt

Representing:
Introducer
ACLU of Nebraska

Opponents:
Ken Schilz
Christy Abraham

Representing:
Consumer Data Industry Association
League of Nebraska Municipalities and Nebraska Power Association
Nebraska Association of County Officials
Omaha Police Department
Nebraska Attorney General's Office

Beth Bazyn Ferrell
Steve Cerveny
Corey O'Brien

Neutral:

Representing:

Submitted Written Testimony:

Proponents:
Korby Gilbertson

Representing:
Media of Nebraska Inc

Opponents:
Katie Zulkoski
Rich Otto

Representing:
Nebraska County Attorneys Association
Nebraska Retail Federation

Neutral:

Representing:

Summary of purpose and/or changes:

This bill would provide that recordings from body-worn cameras are public records when they "depict or record circumstances in which a person died while being apprehended by" law enforcement (LE) or "while in the custody of" LE or detention personnel. The bill further provides that such public records are not within the law enforcement investigatory records exception to disclosure under Section 84-712.05.

The bill also makes other changes to statutes pertaining to the public's access to public records in Nebraska. Under current law, the first four hours of time spent "searching, identifying, physically redacting, or copying" in response to a records request cannot be charged to the requester, but a service charge may be assessed for requests that exceed that amount of time. This bill would move that threshold to eight hours for residents of Nebraska. Nonresident requesters would be charged for the actual added cost of fulfilling the request. All news media would be considered "residents" for purposes of public records requests.

This bill would require that a public custodian's estimate for fulfilling a voluminous public records request requiring more than four days to be "attested to under oath" before being provided in writing to the requester.

Finally, in various statutes pertaining to public records the bill replaces several instances of the word "citizens" with "residents."

Explanation of amendments:

The committee voted to adopt Committee Amendment 1021:

8 Yes - Blood, Brewer, Halloran, Hansen M., Hunt, Lowe, McCollister, Sanders

AM 1021 eliminates all provisions of the bill as introduced except the material relating to recordings from body-worn cameras that "depict or record circumstances in which a person died while being apprehended by" law enforcement or "while in the custody of" LE or detention personnel.

With AM 1021, these records would be subject to disclosure upon request, but only after the conclusion of related grand jury proceedings.

Tom Brewer, Chairperson