

AMENDMENTS TO LB1270

(Amendments to Standing Committee amendments, AM1984)

Introduced by McKinney, 11.

1 1. Strike section 8 and insert the following new sections:

2 Sec. 8. Section 81-1414.15, Revised Statutes Supplement, 2021, is
3 amended to read:

4 81-1414.15 (1) The chief of police, sheriff, Superintendent of Law
5 Enforcement and Public Safety, or the head administrator of a law
6 enforcement agency or an agency employing a law enforcement officer shall
7 submit a personnel change in status form as approved by the council to
8 the director of the training center within seven calendar days after the
9 date a law enforcement officer is hired by the agency or leaves
10 employment with the agency.

11 (2) Each law enforcement agency or agency employing a law
12 enforcement officer shall maintain a record regarding the reason or
13 reasons for, and circumstances surrounding, a separation of service for
14 each law enforcement officer employed by that agency. Such record shall
15 be retained for five years following a law enforcement officer's
16 separation from the agency.

17 (3) Each law enforcement agency or agency employing a law
18 enforcement officer shall maintain any and all records of officer conduct
19 which could constitute grounds for revocation or suspension of a law
20 enforcement certification by the commission. Such record shall include
21 any and all records of conduct which could constitute grounds for
22 revocation or suspension under subdivision (6) of section 81-1403. Such
23 record, which shall include the name of the law enforcement officer,
24 shall be permanently retained and shall not be destroyed ~~retained for the~~
25 ~~duration of the law enforcement officer's employment with the agency and~~
26 ~~for ten years following his or her separation from the agency.~~

1 (4) The chief of police, sheriff, Superintendent of Law Enforcement
2 and Public Safety, or the head administrator of a law enforcement agency
3 or an agency employing a law enforcement officer shall make a report to
4 the commission of any law enforcement officer who is terminated from
5 employment or allowed to resign in lieu of termination for conduct
6 described in subdivision (6) of section 81-1403. The report shall
7 include, but not be limited to, a summary of the allegations pertaining
8 to the officer and identification of any witnesses relevant to the
9 allegations, and shall be filed with the commission within thirty
10 calendar days of the termination or resignation in lieu of termination.

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

13 Sec. 9. (1) Beginning June 1, 2023, each city and county attorney
14 and the Attorney General shall maintain a Brady and Giglio list in
15 accordance with this section. The list shall identify law enforcement
16 officers who, due to misconduct or otherwise, have impaired their own
17 credibility such that disclosure to the defendant is required under Brady
18 v. Maryland, 373 U.S. 83 (1963), and Giglio v. United States, 405 U.S.
19 150 (1972), and subsequent cases of the Supreme Court of the United
20 States and the Supreme Court of Nebraska. The list shall contain a
21 description of the reason disclosure is required.

22 (2) The list required by this section is a public document and shall
23 be posted on the city, county, and state website. The list shall be
24 updated at least monthly.

25 (3) On or before January 1, 2023, the Nebraska Commission on Law
26 Enforcement and Criminal Justice shall adopt and promulgate rules and
27 regulations to carry out this section, including, but not limited to,
28 criteria and processes for determining when disclosure is required and
29 what is required to be disclosed.

30 Sec. 10. Sections 8, 9, and 11 of this act become operative three
31 calendar months after the adjournment of this legislative session. The

1 other sections of this act become operative on their effective date.

2 Sec. 11. Original section 81-1414.15, Revised Statutes Supplement,
3 2021, is repealed.

4 2. On page 2, after line 25 insert the following new subsection:

5 "(7) A law enforcement officer shall not be eligible for a tier 1,
6 tier 2, or tier 3 retention incentive payment under this section if:

7 (a) Such law enforcement officer's certification has ever been
8 revoked;

9 (b) Such law enforcement officer has ever been convicted of a felony
10 or Class I misdemeanor; or

11 (c) Such law enforcement officer has ever been adjudicated by the
12 council to have engaged in serious misconduct, as such term is defined in
13 section 81-1401."

14 3. Renumber the remaining section accordingly.