

E AND R AMENDMENTS TO LB 1241

Introduced by McKinney, 11, Chairman Enrollment and Review

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

3 Section 1. Section 81-1401, Revised Statutes Supplement, 2021, is
4 amended to read:

5 81-1401 For purposes of sections 81-1401 to 81-1414.19, unless the
6 context otherwise requires:

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

9 (2) Commission means the Nebraska Commission on Law Enforcement and
10 Criminal Justice;

11 (3) Council means the Nebraska Police Standards Advisory Council;

12 (4) Director means the director of the Nebraska Law Enforcement
13 Training Center;

14 (5) Felony means a crime punishable by imprisonment for a term of
15 more than one year or a crime committed outside of Nebraska which would
16 be punishable by imprisonment for a term of more than one year if
17 committed in Nebraska;

18 (6) Handgun means any firearm with a barrel less than sixteen inches
19 in length or any firearm designed to be held and fired by the use of a
20 single hand;

21 (7) Law enforcement agency means the police department or the town
22 marshal in incorporated municipalities, the office of sheriff in
23 unincorporated areas, the Nebraska State Patrol, and Class I railroad
24 police departments;

25 (8)(a) Law enforcement officer means any person who has successfully
26 completed an entry-level law enforcement certification from a training
27 academy and who is responsible for the prevention or detection of crime

1 or the enforcement of the penal, traffic, or highway laws of the state or
2 any political subdivision of the state for more than one hundred hours
3 per year and is authorized by law to make arrests and includes, but is
4 not limited to:

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

6 (ii) A county sheriff;

7 (iii) A full-time or part-time employee of a county sheriff's
8 office;

9 (iv) A full-time or part-time employee of a municipal or village
10 police agency;

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

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

14 (vii) A full-time employee of an organized and paid fire department
15 of any city of the metropolitan class who is an authorized arson
16 investigator and whose duties consist of determining the cause, origin,
17 and circumstances of fires or explosions while on duty in the course of
18 an investigation;

19 (viii) A member of a law enforcement reserve force appointed in
20 accordance with section 81-1438; or

21 (ix) A full-time Class I railroad police officer;

22 (b) Law enforcement officer includes a noncertified conditional
23 officer;

24 (c) Law enforcement officer does not include employees of the
25 Department of Correctional Services, probation officers under the
26 Nebraska Probation System, parole officers appointed by the Director of
27 Supervision and Services of the Division of Parole Supervision, or
28 employees of the Department of Revenue under section 77-366; and

29 (d) Except for a noncertified conditional officer, a law enforcement
30 officer shall possess a valid law enforcement officer certificate or
31 diploma, as established by the council, in order to be vested with the

1 authority of this section;

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

4 (10) Noncertified conditional officer means a person appointed
5 pursuant to subsection (6) of section 81-1414;

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

10 (a) Conviction of a felony or misdemeanor crime of domestic
11 violence;

12 (b) Fabrication of evidence;

13 (c) Repeated substantiated allegations of the use of excessive
14 force;

15 (d) Acceptance of a bribe;

16 (e) Commission of fraud or perjury; or

17 (f) Sexual assault;

18 (12) Training academy means:

19 (a) The the training center; or

20 (b) Another such other council-approved law enforcement training
21 facility operated and maintained by a law enforcement agency which:

22 (i) Offers offers certification training that meets or exceeds the
23 certification training curriculum of the training center; and

24 (ii) Is operated and maintained by a law enforcement agency or by
25 multiple law enforcement agencies pursuant to the Interlocal Cooperation
26 Act.

27 (13) Training center means the Nebraska Law Enforcement Training
28 Center; and

29 (14) Training school means a public or private institution of higher
30 education, including the University of Nebraska, the Nebraska state
31 colleges, and the community colleges of this state, that offers training

1 in a council-approved pre-certification course.

2 Sec. 2. Section 81-1414, Revised Statutes Supplement, 2021, is
3 amended to read:

4 81-1414 (1) On and after January 1, 1972, law enforcement officers
5 already serving under permanent appointment shall not be required to meet
6 any requirement of subsection (2) of this section as a condition of
7 tenure or continued employment.

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

11 (a) Has been awarded a certificate or diploma by the commission
12 attesting to satisfactory completion of the minimum curriculum of the
13 training center as established by the council;

14 (b) Has been awarded a certificate or diploma attesting to
15 satisfactory completion of a training program approved by the council as
16 equivalent to the curriculum in subdivision (2)(a) of this section; or

17 (c) Is certified as a law enforcement officer in another state and
18 has successfully applied, ~~completed~~ the requirements of a reciprocity
19 program, and been approved as provided in section 81-1414.13.

20 (3) The council shall deem the successful completion of the federal
21 Bureau of Indian Affairs basic police training program as administered by
22 the Federal Law Enforcement Training Center to constitute equivalent
23 training under subdivision (2)(b) of this section, and officers certified
24 by virtue of such equivalent training may exercise full law enforcement
25 authority exclusively on tribal lands.

26 (4) Law enforcement officers who are promoted in rank shall
27 satisfactorily complete such council-approved training within one year of
28 such promotion.

29 (5) At the direction of the council, the director shall issue a
30 certificate or diploma attesting to a compliance with the requirements of
31 subsection (2), (3), or (4) of this section to any applicant who presents

1 evidence of satisfactory completion of a council-approved training
2 program.

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

6 (b) A noncertified conditional officer shall meet all requirements
7 for admission to the training center and shall immediately apply for
8 admission to the training center and enroll in the next available basic
9 training class.

10 (c) A noncertified conditional officer may interact with the public
11 and carry a firearm only after completion of the following training:

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

14 (ii) Sixteen hours of firearms training and passing the minimum
15 requirements for the handgun qualification course as provided in section
16 81-1412.01;

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

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

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

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

22 (vii) Four hours of substance abuse training.

23 (d) The head of the law enforcement agency employing a noncertified
24 conditional officer shall validate the completion of the training
25 required under subdivision (6)(c) of this section to the council and the
26 director of the training center.

27 (e) A noncertified conditional officer shall not interact with the
28 public unless such officer is under the direct supervision of a field
29 training officer approved by the law enforcement agency employing such
30 noncertified conditional officer.

31 (f) A noncertified conditional officer shall not, without direct

1 guidance and authorization from an approved field training officer:

2 (i) Ride in a marked police cruiser;

3 (ii) Make arrests;

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

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

6 (g) A noncertified conditional officer may be employed for a period
7 not to exceed sixteen consecutive weeks. The council may extend such
8 period as follows:

9 (i) Upon application by a noncertified conditional officer, the
10 council may grant an extension not to exceed two consecutive weeks for
11 good cause shown; and

12 (ii) The council shall grant an extension not to exceed sixteen
13 consecutive weeks upon finding:

14 (A) That the noncertified conditional officer immediately applied
15 for admission to the training center upon appointment under this
16 subsection;

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

20 (C) That the officer is enrolled in the next available basic
21 training class; and

22 (D) That such extension would not be contrary to the requirements,
23 limitations, or intent of this subsection.

24 (h) Failure to follow the requirements and restrictions of this
25 subsection shall be considered a violation of the law and neglect of
26 duty.

27 (i) The council may adopt and promulgate rules and regulations as
28 necessary to carry out this subsection, including, but not limited to,
29 rules and regulations permitting the virtual or online completion of
30 required training and minimum standards and qualifications for field
31 training officers. Prior to the expiration of ninety days after any such

1 rules and regulations adopted become effective, any certified law
2 enforcement officer with not less than three years of experience may
3 serve as a field training officer.

4 Sec. 3. Section 81-1414.07, Revised Statutes Supplement, 2021, is
5 amended to read:

6 81-1414.07 (1)(a) In order to maintain his or her professional
7 status and serve the law enforcement profession, the community, and the
8 residents of Nebraska, each law enforcement officer, other than a
9 noncertified conditional officer, shall attend continuing education
10 courses for the number of hours required in subdivision (1)(b) of this
11 section in the areas of criminal justice and law enforcement during each
12 calendar year beginning on January 1 and ending on December 31. A law
13 enforcement officer is not required to meet the continuing education
14 requirements in the year in which he or she first becomes fully
15 certified. A law enforcement officer may retire from service in good
16 standing without meeting the continuing education requirements in the
17 calendar year of the officer's retirement.

18 (b) The number of continuing education hours required under this
19 subsection shall be:

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

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

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

24 (2) The annual continuing education required by this section shall
25 include:

26 (a) Refresher courses on de-escalation, mental health, and substance
27 abuse issues;

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

29 (c) Firearms;

30 (d) Officer wellness;

31 (e) Legal updates, including, but not limited to, legislative

1 changes and First Amendment and Fourth Amendment issues;

2 (f) Vehicular pursuit policy review; and

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

4 (3) Continuing education courses may be offered in the form of
5 seminars, advanced education which may include college or university
6 classes, conferences, instruction conducted within the law enforcement
7 officer's law enforcement agency, or instruction conducted over the
8 Internet. Continuing education shall be of a type which has application
9 to and seeks to maintain and improve the skills of the law enforcement
10 officer in carrying out his or her duties and responsibilities.

11 Sec. 4. Section 81-1414.13, Revised Statutes Supplement, 2021, is
12 amended to read:

13 81-1414.13 (1) A person seeking certification under subdivision (2)
14 (c) of section 81-1414 shall, in addition to any other applicable
15 requirements of the commission or of sections 81-1401 to 81-1414.19,
16 submit an application to the council and complete the requirements for a
17 reciprocity program as provided in this section. The application shall be
18 made under oath and made on a form provided by the council.

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

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

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

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

25 (ii) Misdemeanor crime of domestic violence; or

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

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

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

2 (3) ~~The council shall develop or approve a reciprocity program that~~
3 ~~an applicant shall:~~

4 (a) Provide proof that the applicant meets the requirements listed
5 in section 81-1410;

6 (b) Pass a physical fitness test;

7 (c) Provide proof that the applicant was awarded a certificate or
8 diploma attesting to satisfactory completion of a training program
9 determined by the council to be equivalent to the curriculum in
10 subdivision (2)(a) of section 81-1414; and

11 (d) Pass a reciprocity test approved by the council ~~complete prior~~
12 ~~to receiving certification under this section.~~

13 (4) The council shall deny certification to an applicant under this
14 section if the council finds that the applicant does not meet the
15 requirements of ~~subsection (2) of this section~~, has omitted information
16 required by this section ~~such subsection~~, or has provided false or
17 misleading information in the application, ~~or has not completed the~~
18 ~~reciprocity program.~~ The council shall take action on an application
19 within forty-five days after an applicant has completed all requirements
20 under this section.

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

24 (6) A person seeking certification under the reciprocity process
25 provided in this section shall not exercise law enforcement authority
26 until all certification process requirements have been met and the
27 applicant has been certified, except that such person may serve as a
28 noncertified conditional officer.

29 (7) The reciprocity test shall be offered at least once per month if
30 an applicant has requested and is qualified to take the test. The
31 reciprocity test shall be offered at sites with independent proctors as

1 approved by the council. The council may authorize satellite testing
2 locations throughout Nebraska or in other states. The council shall
3 develop a study guide for the test by July 1, 2022. The council shall
4 provide such study guide to applicants.

5 (8) ~~(6)~~ The council may adopt and promulgate rules and regulations
6 as necessary to carry out this section.

7 Sec. 5. Original sections 81-1401, 81-1414, 81-1414.07, and
8 81-1414.13, Revised Statutes Supplement, 2021, are repealed.

9 Sec. 6. Since an emergency exists, this act takes effect when
10 passed and approved according to law.

11 2. On page 1, line 5, strike "define" and insert "redefine".