

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1184

Introduced by Geist, 25.

Read first time January 19, 2022

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to law enforcement; to amend section 81-2009,
- 2 Reissue Revised Statutes of Nebraska; to change provisions relating
- 3 to the duty of the Attorney General to defend the Nebraska State
- 4 Patrol; to provide procedures for agency counsel assisting the
- 5 Nebraska State Patrol; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-2009, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 81-2009 (1) Whenever any civil or criminal action is instituted
4 against the Superintendent of Law Enforcement and Public Safety or any
5 subordinate officer or employee of the Nebraska State Patrol arising from
6 employment by the patrol, the action shall be defended by (a) the
7 Attorney General or a member of the Attorney General's staff or (b) a
8 private practice attorney chosen by the officer or employee. Reasonable
9 attorney's fees and costs shall be paid pursuant to section 81-8,239.05
10 ~~The Attorney General, or a member of his staff, or a practicing attorney~~
11 ~~designated by the Attorney General, shall defend all civil and criminal~~
12 ~~actions instituted against the superintendent or any subordinate officer~~
13 ~~or employee of the Nebraska State Patrol arising from their employment.~~

14 (2) The superintendent shall provide not less than three agency
15 legal counsels stationed with the Nebraska State Patrol to assist county
16 attorneys in the preparation of cases involving drug abuse and to advise
17 the patrol on all legal matters. Agency counsel shall not represent
18 individual officers or employees of the patrol whose actions or omissions
19 are the subject of inquiry by a grand jury or prosecutor. Agency counsel
20 may advise officers or employees of the patrol who are serving as
21 investigators for a grand jury or a prosecutor.

22 Sec. 2. Original section 81-2009, Reissue Revised Statutes of
23 Nebraska, is repealed.