

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 353**

Introduced by Pansing Brooks, 28; Morfeld, 46.

Read first time January 16, 2019

Committee:

1 A BILL FOR AN ACT relating to law enforcement; to amend sections  
2 25-21,303, 28-109, 28-359, 28-710, 28-1008, 29-4103, 49-801,  
3 53-1,121, 60-646, 60-683, 69-2429, 71-507, 71-910, and 86-802,  
4 Reissue Revised Statutes of Nebraska, and sections 20-502, 20-504,  
5 28-470, 42-903, 48-202, 54-902, 81-1401, 81-1452, 81-1455, and  
6 85-2602, Revised Statutes Cumulative Supplement, 2018; to provide  
7 powers and duties for University of Nebraska police departments and  
8 police officers as prescribed; to redefine terms; and to repeal the  
9 original sections.  
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 20-502, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3 20-502 (1) No member of the Nebraska State Patrol or a county  
4 sheriff's office, officer of a city or village police department, officer  
5 of a University of Nebraska police department, or member of any other law  
6 enforcement agency in this state shall engage in racial profiling. The  
7 disparate treatment of an individual who has been detained or whose motor  
8 vehicle has been stopped by a law enforcement officer is inconsistent  
9 with this policy.

10 (2) Racial profiling shall not be used to justify the detention of  
11 an individual or to conduct a motor vehicle stop.

12 Sec. 2. Section 20-504, Revised Statutes Cumulative Supplement,  
13 2018, is amended to read:

14 20-504 (1) On or before January 1, 2014, the Nebraska State Patrol,  
15 the county sheriffs, all city and village police departments, all  
16 University of Nebraska police departments, and any other law enforcement  
17 agency in this state shall adopt and provide a copy to the Nebraska  
18 Commission on Law Enforcement and Criminal Justice of a written policy  
19 that prohibits the detention of any person or a motor vehicle stop when  
20 such action is motivated by racial profiling. Such racial profiling  
21 prevention policy shall include definitions consistent with section  
22 20-503 and one or more internal methods of prevention and enforcement,  
23 including, but not limited to:

24 (a) Internal affairs investigation;

25 (b) Preventative measures including extra training at the Nebraska  
26 Law Enforcement Training Center focused on avoidance of apparent or  
27 actual racial profiling;

28 (c) Early intervention with any particular personnel determined by  
29 the administration of the agency to have committed, participated in,  
30 condoned, or attempted to cover up any instance of racial profiling; and

31 (d) Disciplinary measures or other formal or informal methods of

1 prevention and enforcement.

2 None of the preventative or enforcement measures shall be  
3 implemented contrary to the collective-bargaining agreement provisions or  
4 personnel rules under which the member or officer in question is  
5 employed.

6 (2) The Nebraska Commission on Law Enforcement and Criminal Justice  
7 may develop and distribute a suggested model written racial profiling  
8 prevention policy for use by law enforcement agencies, but the commission  
9 shall not mandate the adoption of the model policy except for any  
10 particular law enforcement agency which fails to timely create and  
11 provide to the commission a policy for the agency in conformance with the  
12 minimum standards set forth in this section.

13 (3) With respect to a motor vehicle stop, on and after January 1,  
14 2002, the Nebraska State Patrol, the county sheriffs, all city and  
15 village police departments, all University of Nebraska police  
16 departments, and any other law enforcement agency in this state shall  
17 record and retain the following information using the form developed and  
18 promulgated pursuant to section 20-505:

19 (a) The number of motor vehicle stops;

20 (b) The characteristics of race or ethnicity of the person stopped.  
21 The identification of such characteristics shall be based on the  
22 observation and perception of the law enforcement officer responsible for  
23 reporting the motor vehicle stop and the information shall not be  
24 required to be provided by the person stopped;

25 (c) If the stop is for a law violation, the nature of the alleged  
26 law violation that resulted in the motor vehicle stop;

27 (d) Whether a warning or citation was issued, an arrest made, or a  
28 search conducted as a result of the motor vehicle stop. Search does not  
29 include a search incident to arrest or an inventory search; and

30 (e) Any additional information that the Nebraska State Patrol, the  
31 county sheriffs, all city and village police departments, all University

1 of Nebraska police departments, or any other law enforcement agency in  
2 this state, as the case may be, deems appropriate.

3 (4) The Nebraska Commission on Law Enforcement and Criminal Justice  
4 may develop a uniform system for receiving allegations of racial  
5 profiling. The Nebraska State Patrol, the county sheriffs, all city and  
6 village police departments, all University of Nebraska police  
7 departments, and any other law enforcement agency in this state shall  
8 provide to the commission (a) a copy of each allegation of racial  
9 profiling received and (b) written notification of the review and  
10 disposition of such allegation. No information revealing the identity of  
11 the law enforcement officer involved in the stop shall be used,  
12 transmitted, or disclosed in violation of any collective-bargaining  
13 agreement provision or personnel rule under which such law enforcement  
14 officer is employed. No information revealing the identity of the  
15 complainant shall be used, transmitted, or disclosed in the form alleging  
16 racial profiling.

17 (5) Any law enforcement officer who in good faith records  
18 information on a motor vehicle stop pursuant to this section shall not be  
19 held civilly liable for the act of recording such information unless the  
20 law enforcement officer's conduct was unreasonable or reckless or in some  
21 way contrary to law.

22 (6) On or before October 1, 2002, and annually thereafter, the  
23 Nebraska State Patrol, the county sheriffs, all city and village police  
24 departments, all University of Nebraska police departments, and all other  
25 law enforcement agencies in this state shall provide to the Nebraska  
26 Commission on Law Enforcement and Criminal Justice, in such form as the  
27 commission prescribes, a summary report of the information recorded  
28 pursuant to subsection (3) of this section.

29 (7) The Nebraska Commission on Law Enforcement and Criminal Justice  
30 shall, within the limits of its existing appropriations, including any  
31 grant funds which the commission is awarded for such purpose, provide for

1 an annual review and analysis of the prevalence and disposition of motor  
2 vehicle stops based on racial profiling and allegations of racial  
3 profiling involved in other detentions reported pursuant to this section.  
4 After the review and analysis, the commission may, when it deems  
5 warranted, inquire into and study individual law enforcement agency  
6 circumstances in which the raw data collected and analyzed raises at  
7 least some issue or appearance of possible racial profiling. The  
8 commission may make recommendations to any such law enforcement agency  
9 for the purpose of improving measures to prevent racial profiling or the  
10 appearance of racial profiling. The results of such review, analysis,  
11 inquiry, and study and any recommendations by the commission to any law  
12 enforcement agency shall be reported annually to the Governor and the  
13 Legislature. The report submitted to the Legislature shall be submitted  
14 electronically.

15 (8) Any law enforcement officer, prosecutor, defense attorney, or  
16 probation officer, unless restricted by privilege, who becomes aware of  
17 incidents of racial profiling by a law enforcement agency, shall report  
18 such incidents to the Nebraska Commission on Law Enforcement and Criminal  
19 Justice within thirty days after becoming aware of such practice.

20 Sec. 3. Section 25-21,303, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 25-21,303 (1) For all money, securities, negotiable instruments,  
23 firearms, conveyances, or real estate seized pursuant to section  
24 25-21,302, the appropriate law enforcement agency or, as provided in  
25 subsection (5) of this section, the prosecuting attorney shall provide a  
26 written report of the forfeiture to the Auditor of Public Accounts. The  
27 report shall include:

28 (a) The date of the seizure;

29 (b) The type of property seized, such as a vehicle, currency, or a  
30 firearm;

31 (c) A description of the property seized, including, if applicable,

1 the make, model, year, and serial number of the property seized;

2 (d) The street name and traffic direction where the seizure  
3 occurred, such as eastbound, westbound, southbound, or northbound;

4 (e) The crime for which the suspect was charged;

5 (f) The disposition of the property seized through the forfeiture  
6 process, such as the property was returned to the suspect, returned to a  
7 third-party owner, sold, destroyed, or retained by law enforcement;

8 (g) The basis for disposition of the seized property, such as the  
9 suspect was found not guilty, agreement for disposition, criminal  
10 forfeiture, or civil forfeiture;

11 (h) The value of the property forfeited;

12 (i) If the seizure resulted from a motor vehicle stop, (i) whether a  
13 warning or citation was issued, an arrest was made, or a search was  
14 conducted and (ii) the characteristics of the race or ethnicity of the  
15 suspect. The identification of such characteristics shall be based on the  
16 observation and perception of the law enforcement officer responsible for  
17 reporting the motor vehicle stop. The information shall not be required  
18 to be provided by the suspect; and

19 (j) Any additional information the Nebraska State Patrol, a county  
20 sheriff, any city or village police department, a University of Nebraska  
21 police departments, or any other law enforcement agency in this state, as  
22 the case may be, deems appropriate.

23 (2) The appropriate law enforcement agency or prosecuting attorney  
24 shall report to the Auditor of Public Accounts all instances in which  
25 property seized for forfeiture was returned to its owner either because  
26 the forfeiture was not pursued or for any other reason.

27 (3) Reports shall be made on an annual basis in a manner prescribed  
28 by the Auditor of Public Accounts. The Auditor of Public Accounts shall  
29 submit a report to the Legislature on the nature and extent of such  
30 seizures on an annual basis. Such report shall be submitted  
31 electronically.

1 (4) For forfeitures resulting from the activities of  
2 multijurisdictional law enforcement entities, a law enforcement entity  
3 other than a Nebraska law enforcement entity shall, on its own  
4 initiative, report the information required by this section.

5 (5) The prosecuting attorney is not required to report information  
6 required by this section unless he or she has been notified by the  
7 Auditor of Public Accounts that the appropriate law enforcement agency  
8 has not reported the information required by this section.

9 Sec. 4. Section 28-109, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 28-109 For purposes of the Nebraska Criminal Code, unless the  
12 context otherwise requires:

13 (1) Act shall mean a bodily movement, and includes words and  
14 possession of property;

15 (2) Aid or assist shall mean knowingly to give or lend money or  
16 credit to be used for, or to make possible or available, or to further  
17 activity thus aided or assisted;

18 (3) Benefit shall mean any gain or advantage to the beneficiary  
19 including any gain or advantage to another person pursuant to the desire  
20 or consent of the beneficiary;

21 (4) Bodily injury shall mean physical pain, illness, or any  
22 impairment of physical condition;

23 (5) Conduct shall mean an action or omission and its accompanying  
24 state of mind, or, where relevant, a series of acts and omissions;

25 (6) Conveyance shall mean a mode of transportation that includes any  
26 vehicle, aircraft, or watercraft;

27 (7) Deadly physical force shall mean force, the intended, natural,  
28 and probable consequence of which is to produce death, or which does, in  
29 fact, produce death;

30 (8) Deadly weapon shall mean any firearm, knife, bludgeon, or other  
31 device, instrument, material, or substance, whether animate or inanimate,

1 which in the manner it is used or intended to be used is capable of  
2 producing death or serious bodily injury;

3 (9) Deface shall mean to alter the appearance of something by  
4 removing, distorting, adding to, or covering all or a part of the thing;

5 (10) Dwelling shall mean a building or other thing which is used,  
6 intended to be used, or usually used by a person for habitation;

7 (11) Government shall mean the United States, any state, county,  
8 municipality, or other political unit, any branch, department, agency, or  
9 subdivision of any of the foregoing, and any corporation or other entity  
10 established by law to carry out any governmental function;

11 (12) Governmental function shall mean any activity which a public  
12 servant is legally authorized to undertake on behalf of government;

13 (13) Motor vehicle shall mean every self-propelled land vehicle, not  
14 operated upon rails, except self-propelled chairs used by persons who are  
15 disabled, electric personal assistive mobility devices as defined in  
16 section 60-618.02, and bicycles as defined in section 60-611;

17 (14) Omission shall mean a failure to perform an act as to which a  
18 duty of performance is imposed by law;

19 (15) Peace officer shall mean any officer or employee of the state  
20 or a political subdivision authorized by law to make arrests, and any  
21 University of Nebraska police officer and shall include members of the  
22 National Guard on active service by direction of the Governor during  
23 periods of emergency or civil disorder;

24 (16) Pecuniary benefit shall mean benefit in the form of money,  
25 property, commercial interest, or anything else, the primary significance  
26 of which is economic gain;

27 (17) Person shall mean any natural person and where relevant a  
28 corporation or an unincorporated association;

29 (18) Public place shall mean a place to which the public or a  
30 substantial number of the public has access, and includes but is not  
31 limited to highways, transportation facilities, schools, places of



1 amusement, parks, playgrounds, and the common areas of public and private  
2 buildings and facilities;

3 (19) Public servant shall mean any officer or employee of  
4 government, whether elected or appointed, and any person participating as  
5 an advisor, consultant, process server, or otherwise in performing a  
6 governmental function, but the term does not include witnesses;

7 (20) Recklessly shall mean acting with respect to a material element  
8 of an offense when any person disregards a substantial and unjustifiable  
9 risk that the material element exists or will result from his or her  
10 conduct. The risk must be of such a nature and degree that, considering  
11 the nature and purpose of the actor's conduct and the circumstances known  
12 to the actor, its disregard involves a gross deviation from the standard  
13 of conduct that a law-abiding person would observe in the actor's  
14 situation;

15 (21) Serious bodily injury shall mean bodily injury which involves a  
16 substantial risk of death, or which involves substantial risk of serious  
17 permanent disfigurement, or protracted loss or impairment of the function  
18 of any part or organ of the body;

19 (22) Tamper shall mean to interfere with something improperly or to  
20 make unwarranted alterations in its condition;

21 (23) Thing of value shall mean real property, tangible and  
22 intangible personal property, contract rights, choses in action,  
23 services, and any rights of use or enjoyment connected therewith; and

24 (24) Voluntary act shall mean an act performed as a result of effort  
25 or determination, and includes the possession of property if the actor  
26 was aware of his or her physical possession or control thereof for a  
27 sufficient period to have been able to terminate it.

28 Sec. 5. Section 28-359, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 28-359 Law enforcement agency shall mean the police department or  
31 the town marshal in incorporated municipalities, the office of the

1 sheriff in unincorporated areas, a University of Nebraska police  
2 department, and the Nebraska State Patrol.

3 Sec. 6. Section 28-470, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:

5 28-470 (1) A health professional who is authorized to prescribe or  
6 dispense naloxone, if acting with reasonable care, may prescribe,  
7 administer, or dispense naloxone to any of the following persons without  
8 being subject to administrative action or criminal prosecution:

9 (a) A person who is apparently experiencing or who is likely to  
10 experience an opioid-related overdose; or

11 (b) A family member, friend, or other person in a position to assist  
12 a person who is apparently experiencing or who is likely to experience an  
13 opioid-related overdose.

14 (2) A family member, friend, or other person who is in a position to  
15 assist a person who is apparently experiencing or who is likely to  
16 experience an opioid-related overdose, other than an emergency responder  
17 or peace officer, is not subject to actions under the Uniform  
18 Credentialing Act, administrative action, or criminal prosecution if the  
19 person, acting in good faith, obtains naloxone from a health professional  
20 or a prescription for naloxone from a health professional and administers  
21 the naloxone obtained from the health professional or acquired pursuant  
22 to the prescription to a person who is apparently experiencing an opioid-  
23 related overdose.

24 (3) An emergency responder who, acting in good faith, obtains  
25 naloxone from the emergency responder's emergency medical service  
26 organization and administers the naloxone to a person who is apparently  
27 experiencing an opioid-related overdose shall not be:

28 (a) Subject to administrative action or criminal prosecution; or

29 (b) Personally liable in any civil action to respond in damages as a  
30 result of his or her acts of commission or omission arising out of and in  
31 the course of his or her rendering such care or services or arising out

1 of his or her failure to act to provide or arrange for further medical  
2 treatment or care for the person who is apparently experiencing an  
3 opioid-related overdose, unless the emergency responder caused damage or  
4 injury by his or her willful, wanton, or grossly negligent act of  
5 commission or omission. This subdivision shall not affect the liability  
6 of such emergency medical service organization for the emergency  
7 responder's acts of commission or omission.

8 (4) A peace officer or law enforcement employee who, acting in good  
9 faith, obtains naloxone from the peace officer's or employee's law  
10 enforcement agency and administers the naloxone to a person who is  
11 apparently experiencing an opioid-related overdose shall not be:

12 (a) Subject to administrative action or criminal prosecution; or

13 (b) Personally liable in any civil action to respond in damages as a  
14 result of his or her acts of commission or omission arising out of and in  
15 the course of his or her rendering such care or services or arising out  
16 of his or her failure to act to provide or arrange for further medical  
17 treatment or care for the person who is apparently experiencing an  
18 opioid-related overdose, unless the peace officer or employee caused  
19 damage or injury by his or her willful, wanton, or grossly negligent act  
20 of commission or omission. This subdivision shall not affect the  
21 liability of such law enforcement agency for the peace officer's or  
22 employee's acts of commission or omission.

23 (5) For purposes of this section:

24 (a) Administer has the same meaning as in section 38-2806;

25 (b) Dispense has the same meaning as in section 38-2817;

26 (c) Emergency responder means an emergency medical responder, an  
27 emergency medical technician, an advanced emergency medical technician,  
28 or a paramedic licensed under the Emergency Medical Services Practice Act  
29 or practicing pursuant to the EMS Personnel Licensure Interstate Compact;

30 (d) Health professional means a physician, physician assistant,  
31 nurse practitioner, or pharmacist licensed under the Uniform

1    Credentialing Act;

2           (e) Law enforcement agency means a police department, a town  
3 marshal, the office of sheriff, a University of Nebraska police  
4 department, or the Nebraska State Patrol;

5           (f) Law enforcement employee means an employee of a law enforcement  
6 agency, a contractor of a law enforcement agency, or an employee of such  
7 contractor who regularly, as part of his or her duties, handles,  
8 processes, or is likely to come into contact with any evidence or  
9 property which may include or contain opioids;

10          (g) Naloxone means naloxone hydrochloride; and

11          (h) Peace officer has the same meaning as in section 49-801.

12          Sec. 7. Section 28-710, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14           28-710 (1) Sections 28-710 to 28-727 shall be known and may be cited  
15 as the Child Protection and Family Safety Act.

16           (2) For purposes of the Child Protection and Family Safety Act:

17           (a) Alternative response means a comprehensive assessment of (i)  
18 child safety, (ii) the risk of future child abuse or neglect, (iii)  
19 family strengths and needs, and (iv) the provision of or referral for  
20 necessary services and support. Alternative response is an alternative to  
21 traditional response and does not include an investigation or a formal  
22 determination as to whether child abuse or neglect has occurred, and the  
23 subject of the report shall not be entered into the central registry of  
24 child protection cases maintained pursuant to section 28-718;

25           (b) Child abuse or neglect means knowingly, intentionally, or  
26 negligently causing or permitting a minor child to be:

27           (i) Placed in a situation that endangers his or her life or physical  
28 or mental health;

29           (ii) Cruelly confined or cruelly punished;

30           (iii) Deprived of necessary food, clothing, shelter, or care;

31           (iv) Left unattended in a motor vehicle if such minor child is six

1 years of age or younger;

2 (v) Sexually abused; or

3 (vi) Sexually exploited by allowing, encouraging, or forcing such  
4 person to solicit for or engage in prostitution, debauchery, public  
5 indecency, or obscene or pornographic photography, films, or depictions;

6 (c) Comprehensive assessment means an analysis of child safety, risk  
7 of future child abuse or neglect, and family strengths and needs on a  
8 report of child abuse or neglect. Comprehensive assessment does not  
9 include a determination as to whether the child abuse or neglect occurred  
10 but does determine the need for services and support to address the  
11 safety of children and the risk of future abuse or neglect;

12 (d) Department means the Department of Health and Human Services;

13 (e) Investigation means fact gathering related to the current safety  
14 of a child and the risk of future child abuse or neglect that determines  
15 whether child abuse or neglect has occurred and whether child protective  
16 services are needed;

17 (f) Law enforcement agency means the police department or town  
18 marshal in incorporated municipalities, the office of the sheriff in  
19 unincorporated areas, a University of Nebraska police department, and the  
20 Nebraska State Patrol;

21 (g) Out-of-home child abuse or neglect means child abuse or neglect  
22 occurring in day care homes, foster homes, day care centers, residential  
23 child-caring agencies as defined in section 71-1926, and other child care  
24 facilities or institutions;

25 (h) Review, Evaluate, and Decide Team means an internal team of  
26 staff within the department and shall include no fewer than two  
27 supervisors or administrators and two staff members knowledgeable on the  
28 policies and practices of the department, including, but not limited to,  
29 the structured review process. County attorneys, child advocacy centers,  
30 or law enforcement agency personnel may attend team reviews upon request  
31 of a party;

1 (i) Traditional response means an investigation by a law enforcement  
2 agency or the department pursuant to section 28-713 which requires a  
3 formal determination of whether child abuse or neglect has occurred; and

4 (j) Subject of the report of child abuse or neglect means the person  
5 or persons identified in the report as responsible for the child abuse or  
6 neglect.

7 Sec. 8. Section 28-1008, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 28-1008 For purposes of sections 28-1008 to 28-1017, 28-1019, and  
10 28-1020:

11 (1) Abandon means to leave any animal in one's care, whether as  
12 owner or custodian, for any length of time without making effective  
13 provision for its food, water, or other care as is reasonably necessary  
14 for the animal's health;

15 (2) Animal means any vertebrate member of the animal kingdom. Animal  
16 does not include an uncaptured wild creature or a livestock animal as  
17 defined in section 54-902;

18 (3) Cruelly mistreat means to knowingly and intentionally kill,  
19 maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise  
20 inflict harm upon any animal;

21 (4) Cruelly neglect means to fail to provide any animal in one's  
22 care, whether as owner or custodian, with food, water, or other care as  
23 is reasonably necessary for the animal's health;

24 (5) Humane killing means the destruction of an animal by a method  
25 which causes the animal a minimum of pain and suffering;

26 (6) Law enforcement officer means any member of the Nebraska State  
27 Patrol, any University of Nebraska police officer, any county or deputy  
28 sheriff, any member of the police force of any city or village, or any  
29 other public official authorized by a city or village to enforce state or  
30 local animal control laws, rules, regulations, or ordinances. Law  
31 enforcement officer also includes a special investigator appointed as a

1 deputy state sheriff as authorized pursuant to section 81-201 while  
2 acting within the authority of the Director of Agriculture under the  
3 Commercial Dog and Cat Operator Inspection Act;

4 (7) Mutilation means intentionally causing permanent injury,  
5 disfigurement, degradation of function, incapacitation, or imperfection  
6 to an animal. Mutilation does not include conduct performed by a  
7 veterinarian licensed to practice veterinary medicine and surgery in this  
8 state or conduct that conforms to accepted veterinary practices;

9 (8) Owner or custodian means any person owning, keeping, possessing,  
10 harboring, or knowingly permitting an animal to remain on or about any  
11 premises owned or occupied by such person;

12 (9) Police animal means a horse or dog owned or controlled by the  
13 State of Nebraska, the Board of Regents of the University of Nebraska, or  
14 any county, city, or village for the purpose of assisting a law  
15 enforcement officer in the performance of his or her official enforcement  
16 duties;

17 (10) Repeated beating means intentional successive strikes to an  
18 animal by a person resulting in serious bodily injury or death to the  
19 animal;

20 (11) Serious injury or illness includes any injury or illness to any  
21 animal which creates a substantial risk of death or which causes broken  
22 bones, prolonged impairment of health, or prolonged loss or impairment of  
23 the function of any bodily organ; and

24 (12) Torture means intentionally subjecting an animal to extreme  
25 pain, suffering, or agony. Torture does not include conduct performed by  
26 a veterinarian licensed to practice veterinary medicine and surgery in  
27 this state or conduct that conforms to accepted veterinary practices.

28 Sec. 9. Section 29-4103, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 29-4103 For purposes of the DNA Identification Information Act:

31 (1) Combined DNA Index System means the Federal Bureau of

1 Investigation's national DNA identification index system that allows the  
2 storage and exchange of DNA records submitted by state and local forensic  
3 DNA laboratories;

4 (2) DNA means deoxyribonucleic acid which is located in the cells  
5 and provides an individual's personal genetic blueprint. DNA encodes  
6 genetic information that is the basis of human heredity and forensic  
7 identification;

8 (3) DNA record means the DNA identification information stored in  
9 the State DNA Data Base or the Combined DNA Index System which is derived  
10 from DNA typing test results;

11 (4) DNA sample means a blood, tissue, or bodily fluid sample  
12 provided by any person covered by the DNA Identification Information Act  
13 for analysis or storage, or both;

14 (5) DNA typing tests means the laboratory procedures which evaluate  
15 the characteristics of a DNA sample which are of value in establishing  
16 the identity of an individual;

17 (6) Law enforcement agency includes a police department, a town  
18 marshal, a county sheriff, a University of Nebraska police department,  
19 and the Nebraska State Patrol;

20 (7) Other specified offense means misdemeanor stalking pursuant to  
21 sections 28-311.02 to 28-311.05 or false imprisonment in the second  
22 degree pursuant to section 28-315 or an attempt, conspiracy, or  
23 solicitation to commit stalking pursuant to sections 28-311.02 to  
24 28-311.05, false imprisonment in the first degree pursuant to section  
25 28-314, false imprisonment in the second degree pursuant to section  
26 28-315, knowing and intentional sexual abuse of a vulnerable adult or  
27 senior adult pursuant to subdivision (1)(c) of section 28-386, or a  
28 violation of the Sex Offender Registration Act pursuant to section  
29 29-4011; and

30 (8) Released means any release, parole, furlough, work release,  
31 prerelease, or release in any other manner from a prison, a jail, or any



1 other detention facility or institution.

2 Sec. 10. Section 42-903, Revised Statutes Cumulative Supplement,  
3 2018, is amended to read:

4 42-903 For purposes of the Protection from Domestic Abuse Act,  
5 unless the context otherwise requires:

6 (1) Abuse means the occurrence of one or more of the following acts  
7 between family or household members:

8 (a) Attempting to cause or intentionally and knowingly causing  
9 bodily injury with or without a dangerous instrument;

10 (b) Placing, by means of credible threat, another person in fear of  
11 bodily injury. For purposes of this subdivision, credible threat means a  
12 verbal or written threat, including a threat performed through the use of  
13 an electronic communication device, or a threat implied by a pattern of  
14 conduct or a combination of verbal, written, or electronically  
15 communicated statements and conduct that is made by a person with the  
16 apparent ability to carry out the threat so as to cause the person who is  
17 the target of the threat to reasonably fear for his or her safety or the  
18 safety of his or her family. It is not necessary to prove that the person  
19 making the threat had the intent to actually carry out the threat. The  
20 present incarceration of the person making the threat shall not prevent  
21 the threat from being deemed a credible threat under this section; or

22 (c) Engaging in sexual contact or sexual penetration without consent  
23 as defined in section 28-318;

24 (2) Department means the Department of Health and Human Services;

25 (3) Family or household members includes spouses or former spouses,  
26 children, persons who are presently residing together or who have resided  
27 together in the past, persons who have a child in common whether or not  
28 they have been married or have lived together at any time, other persons  
29 related by consanguinity or affinity, and persons who are presently  
30 involved in a dating relationship with each other or who have been  
31 involved in a dating relationship with each other. For purposes of this

1 subdivision, dating relationship means frequent, intimate associations  
2 primarily characterized by the expectation of affectional or sexual  
3 involvement, but does not include a casual relationship or an ordinary  
4 association between persons in a business or social context; and

5 (4) Law enforcement agency means the police department or town  
6 marshal in incorporated municipalities, the office of the sheriff in  
7 unincorporated areas, a University of Nebraska police department, and the  
8 Nebraska State Patrol.

9 Sec. 11. Section 48-202, Revised Statutes Cumulative Supplement,  
10 2018, is amended to read:

11 48-202 (1) Except as otherwise provided in this section, a public  
12 employer shall not ask an applicant for employment to disclose, orally or  
13 in writing, information concerning the applicant's criminal record or  
14 history, including any inquiry on any employment application, until the  
15 public employer has determined the applicant meets the minimum employment  
16 qualifications.

17 (2) This section does not apply to any law enforcement agency, to  
18 any position for which a public employer is required by federal or state  
19 law to conduct a criminal history record information check, or to any  
20 position for which federal or state law specifically disqualifies an  
21 applicant with a criminal background.

22 (3)(a) This section does not prevent a public employer that is a  
23 school district or educational service unit from requiring an applicant  
24 for employment to disclose an applicant's criminal record or history  
25 relating to sexual or physical abuse.

26 (b) This section does not prevent a public employer from preparing  
27 or delivering an employment application that conspicuously states that a  
28 criminal history record information check is required by federal law,  
29 state law, or the employer's policy.

30 (c) This section does not prevent a public employer from conducting  
31 a criminal history record information check after the public employer has

1 determined that the applicant meets the minimum employment  
2 qualifications.

3 (4) For purposes of this section:

4 (a) Law enforcement agency means an agency or department of this  
5 state or of any political subdivision of this state which is responsible  
6 for the prevention and detection of crime, the enforcement of the penal,  
7 traffic, or highway laws of this state or any political subdivision of  
8 this state, and the enforcement of arrest warrants. Law enforcement  
9 agency includes a police department, an office of the town marshal, an  
10 office of the county sheriff, a University of Nebraska police department,  
11 the Nebraska State Patrol, and any department to which a deputy state  
12 sheriff is assigned as provided in section 84-106; and

13 (b) Public employer means an agency or department of this state or  
14 of any political subdivision of this state.

15 Sec. 12. Section 49-801, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 49-801 Unless the context is shown to intend otherwise, words and  
18 phrases in the statutes of Nebraska hereafter enacted are used in the  
19 following sense:

20 (1) Acquire when used in connection with a grant of power or  
21 property right to any person shall include the purchase, grant, gift,  
22 devise, bequest, and obtaining by eminent domain;

23 (2) Action shall include any proceeding in any court of this state;

24 (3) Attorney shall mean attorney at law;

25 (4) Company shall include any corporation, partnership, limited  
26 liability company, joint-stock company, joint venture, or association;

27 (5) Domestic when applied to corporations shall mean all those  
28 created by authority of this state;

29 (6) Federal shall refer to the United States;

30 (7) Foreign when applied to corporations shall include all those  
31 created by authority other than that of this state;

1 (8) Grantee shall include every person to whom any estate or  
2 interest passes in or by any conveyance;

3 (9) Grantor shall include every person from or by whom any estate or  
4 interest passes in or by any conveyance;

5 (10) Inhabitant shall be construed to mean a resident in the  
6 particular locality in reference to which that word is used;

7 (11) Land or real estate shall include lands, tenements, and  
8 hereditaments and all rights thereto and interest therein other than a  
9 chattel interest;

10 (12) Magistrate shall include judge of the county court and clerk  
11 magistrate;

12 (13) Month shall mean calendar month;

13 (14) Oath shall include affirmation in all cases in which an  
14 affirmation may be substituted for an oath;

15 (15) Peace officer shall include sheriffs, coroners, jailers,  
16 marshals, police officers, University of Nebraska police officers, state  
17 highway patrol officers, members of the National Guard on active service  
18 by direction of the Governor during periods of emergency, and all other  
19 persons with similar authority to make arrests;

20 (16) Person shall include bodies politic and corporate, societies,  
21 communities, the public generally, individuals, partnerships, limited  
22 liability companies, joint-stock companies, and associations;

23 (17) Personal estate shall include money, goods, chattels, claims,  
24 and evidences of debt;

25 (18) Process shall mean a summons, subpoena, or notice to appear  
26 issued out of a court in the course of judicial proceedings;

27 (19) Service animal shall have the same meaning as in 28 C.F.R.  
28 36.104, as such regulation existed on January 1, 2008;

29 (20) State when applied to different states of the United States  
30 shall be construed to extend to and include the District of Columbia and  
31 the several territories organized by Congress;

1 (21) Sworn shall include affirmed in all cases in which an  
2 affirmation may be substituted for an oath;

3 (22) The United States shall include territories, outlying  
4 possessions, and the District of Columbia;

5 (23) Violate shall include failure to comply with;

6 (24) Writ shall signify an order or citation in writing issued in  
7 the name of the state out of a court or by a judicial officer; and

8 (25) Year shall mean calendar year.

9 Sec. 13. Section 53-1,121, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 53-1,121 (1) City police, county sheriffs, officers of the Nebraska  
12 State Patrol, University of Nebraska police officers, and any other such  
13 law enforcement officer with power to arrest for traffic violations may  
14 take a person who is intoxicated and in the judgment of the officer  
15 dangerous to himself, herself, or others, or who is otherwise  
16 incapacitated, from any public or quasi-public property. An officer  
17 removing an intoxicated person from public or quasi-public property shall  
18 make a reasonable effort to take such intoxicated person to his or her  
19 home or to place such person in any hospital, clinic, alcoholism center,  
20 or with a medical doctor as may be necessary to preserve life or to  
21 prevent injury. Such effort at placement shall be deemed reasonable if  
22 the officer contacts those facilities or doctors which have previously  
23 represented a willingness to accept and treat such individuals and which  
24 regularly do accept such individuals. If such efforts are unsuccessful or  
25 are not feasible, the officer may then place such intoxicated person in  
26 civil protective custody, except that civil protective custody shall be  
27 used only as long as is necessary to preserve life or to prevent injury,  
28 and under no circumstances for longer than twenty-four hours.

29 (2) The placement of such person in civil protective custody shall  
30 be recorded at the facility or jail to which he or she is delivered and  
31 communicated to his or her family or next of kin, if they can be located,

1 or to such person designated by the person taken into civil protective  
2 custody.

3 (3) The law enforcement officer who acts in compliance with this  
4 section shall be deemed to be acting in the course of his or her official  
5 duty and shall not be criminally or civilly liable for such actions.

6 (4) The taking of an individual into civil protective custody under  
7 this section shall not be considered an arrest. No entry or other record  
8 shall be made to indicate that the person has been arrested or charged  
9 with a crime.

10 (5) For purposes of this section, public property shall mean any  
11 public right-of-way, street, highway, alley, park, or other state,  
12 county, or municipally owned property.

13 (6) For the purposes of this section, quasi-public property shall  
14 mean and include private or publicly owned property utilized for  
15 proprietary or business uses which invites patronage by the public or  
16 which invites public ingress and egress.

17 Sec. 14. Section 54-902, Revised Statutes Cumulative Supplement,  
18 2018, is amended to read:

19 54-902 For purposes of the Livestock Animal Welfare Act:

20 (1) Abandon means to leave a livestock animal in one's care, whether  
21 as owner or custodian, for any length of time without making effective  
22 provision for the livestock animal's feed, water, or other care as is  
23 reasonably necessary for the livestock animal's health;

24 (2) Animal welfare practice means veterinarian practices and animal  
25 husbandry practices common to the livestock animal industry, including  
26 transport of livestock animals from one location to another;

27 (3) Bovine means a cow, an ox, or a bison;

28 (4) Cruelly mistreat means to knowingly and intentionally kill or  
29 cause physical harm to a livestock animal in a manner that is not  
30 consistent with animal welfare practices;

31 (5) Cruelly neglect means to fail to provide a livestock animal in

1 one's care, whether as owner or custodian, with feed, water, or other  
2 care as is reasonably necessary for the livestock animal's health;

3 (6) Equine means a horse, pony, donkey, mule, or hinny;

4 (7) Euthanasia means the destruction of a livestock animal by  
5 commonly accepted veterinary practices;

6 (8) Law enforcement officer means any member of the Nebraska State  
7 Patrol, any University of Nebraska police officer, any county or deputy  
8 sheriff, any member of the police force of any city or village, or any  
9 other public official authorized by a city or village to enforce state or  
10 local laws, rules, regulations, or ordinances;

11 (9) Livestock animal means any bovine, equine, swine, sheep, goats,  
12 domesticated cervine animals, ratite birds, llamas, or poultry;

13 (10) Owner or custodian means any person owning, keeping,  
14 possessing, harboring, or knowingly permitting an animal to remain on or  
15 about any premises owned or occupied by such person; and

16 (11) Serious injury or illness includes any injury or illness to any  
17 livestock animal which creates a substantial risk of death or which  
18 causes broken bones, prolonged impairment of health, or prolonged loss or  
19 impairment of the function of any bodily organ.

20 Sec. 15. Section 60-646, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 60-646 Peace officer shall mean any town marshal, chief of police,  
23 local police officer, University of Nebraska police officer, sheriff, or  
24 deputy sheriff, the Superintendent of Law Enforcement and Public Safety,  
25 or any officer of the Nebraska State Patrol and shall also include  
26 members of the National Guard on active service by direction of the  
27 Governor during periods of emergency or civil disorder and Game and Parks  
28 Commission conservation officers while in areas under the control of the  
29 Game and Parks Commission. With respect to directing traffic only, peace  
30 officer shall also include any person authorized to direct or regulate  
31 traffic.

1           Sec. 16. Section 60-683, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           60-683 All peace officers are hereby specifically directed and  
4 authorized and it shall be deemed and considered a part of the official  
5 duties of each of such officers to enforce the provisions of the Nebraska  
6 Rules of the Road, including the specific enforcement of maximum speed  
7 limits, and any other law regulating the operation of vehicles or the use  
8 of the highways. To perform the official duties imposed by this section,  
9 the Superintendent of Law Enforcement and Public Safety and all officers  
10 of the Nebraska State Patrol shall have the powers stated in section  
11 81-2005. All other peace officers, including University of Nebraska  
12 police officers, shall have the power:

13           (1) To make arrests upon view and without warrant for any violation  
14 committed in their presence of any of the provisions of the Motor Vehicle  
15 Operator's License Act or of any other law regulating the operation of  
16 vehicles or the use of the highways, if and when designated or called  
17 upon to do so as provided by law;

18           (2) To make arrests upon view and without warrant for any violation  
19 committed in their presence of any provision of the laws of this state  
20 relating to misdemeanors or felonies, if and when designated or called  
21 upon to do so as provided by law;

22           (3) At all times to direct all traffic in conformity with law or, in  
23 the event of a fire or other emergency or in order to expedite traffic or  
24 insure safety, to direct traffic as conditions may require;

25           (4) When in uniform, to require the driver of a vehicle to stop and  
26 exhibit his or her operator's license and registration certificate issued  
27 for the vehicle and submit to an inspection of such vehicle and the  
28 license plates and registration certificate for the vehicle and to  
29 require the driver of a motor vehicle to present the vehicle within five  
30 days for correction of any defects revealed by such motor vehicle  
31 inspection as may lead the inspecting officer to reasonably believe that



1 such motor vehicle is being operated in violation of the statutes of  
2 Nebraska or the rules and regulations of the Director of Motor Vehicles;

3 (5) To inspect any vehicle of a type required to be registered  
4 according to law in any public garage or repair shop or in any place  
5 where such a vehicle is held for sale or wrecking;

6 (6) To serve warrants relating to the enforcement of the laws  
7 regulating the operation of vehicles or the use of the highways; and

8 (7) To investigate traffic accidents for the purpose of carrying on  
9 a study of traffic accidents and enforcing motor vehicle and highway  
10 safety laws.

11 Sec. 17. Section 69-2429, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 69-2429 For purposes of the Concealed Handgun Permit Act:

14 (1) Concealed handgun means the handgun is totally hidden from view.  
15 If any part of the handgun is capable of being seen, it is not a  
16 concealed handgun;

17 (2) Emergency services personnel means a volunteer or paid  
18 firefighter or rescue squad member or a person licensed to provide  
19 emergency medical services pursuant to the Emergency Medical Services  
20 Practice Act or authorized to provide emergency medical services pursuant  
21 to the EMS Personnel Licensure Interstate Compact;

22 (3) Handgun means any firearm with a barrel less than sixteen inches  
23 in length or any firearm designed to be held and fired by the use of a  
24 single hand;

25 (4) Peace officer means any town marshal, University of Nebraska  
26 police officer, chief of police or local police officer, sheriff or  
27 deputy sheriff, the Superintendent of Law Enforcement and Public Safety,  
28 any officer of the Nebraska State Patrol, any member of the National  
29 Guard on active service by direction of the Governor during periods of  
30 emergency or civil disorder, any Game and Parks Commission conservation  
31 officer, and all other persons with similar authority to make arrests;

1 (5) Permitholder means an individual holding a current and valid  
2 permit to carry a concealed handgun issued pursuant to the Concealed  
3 Handgun Permit Act; and

4 (6) Proof of training means an original document or certified copy  
5 of a document, supplied by an applicant, that certifies that he or she  
6 either:

7 (a) Within the previous three years, has successfully completed a  
8 handgun training and safety course approved by the Nebraska State Patrol  
9 pursuant to section 69-2432; or

10 (b) Is a member of the active or reserve armed forces of the United  
11 States or a member of the National Guard and has had handgun training  
12 within the previous three years which meets the minimum safety and  
13 training requirements of section 69-2432.

14 Sec. 18. Section 71-507, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 71-507 For purposes of sections 71-507 to 71-513:

17 (1) Alternate facility means a facility other than a health care  
18 facility that receives a patient transported to the facility by an  
19 emergency services provider;

20 (2) Department means the Department of Health and Human Services;

21 (3) Designated physician means the physician representing the  
22 emergency services provider as identified by name, address, and telephone  
23 number on the significant exposure report form. The designated physician  
24 shall serve as the contact for notification in the event an emergency  
25 services provider believes he or she has had significant exposure to an  
26 infectious disease or condition. Each emergency services provider shall  
27 designate a physician as provided in subsection (2) of section 71-509;

28 (4) Emergency services provider means an out-of-hospital emergency  
29 care provider licensed pursuant to the Emergency Medical Services  
30 Practice Act or authorized pursuant to the EMS Personnel Licensure  
31 Interstate Compact, a sheriff, a deputy sheriff, a police officer, a

1 University of Nebraska police officer, a state highway patrol officer, a  
2 funeral director, a paid or volunteer firefighter, a school district  
3 employee, and a person rendering emergency care gratuitously as described  
4 in section 25-21,186;

5 (5) Funeral director means a person licensed under section 38-1414  
6 or an employee of such a person with responsibility for transport or  
7 handling of a deceased human;

8 (6) Funeral establishment means a business licensed under section  
9 38-1419;

10 (7) Health care facility has the meaning found in sections 71-419,  
11 71-420, 71-424, and 71-429 or any facility that receives patients of  
12 emergencies who are transported to the facility by emergency services  
13 providers;

14 (8) Infectious disease or condition means hepatitis B, hepatitis C,  
15 meningococcal meningitis, active pulmonary tuberculosis, human  
16 immunodeficiency virus, diphtheria, plague, hemorrhagic fevers, rabies,  
17 and such other diseases as the department may by rule and regulation  
18 specify;

19 (9) Patient means an individual who is sick, injured, wounded,  
20 deceased, or otherwise helpless or incapacitated;

21 (10) Patient's attending physician means the physician having the  
22 primary responsibility for the patient as indicated on the records of a  
23 health care facility;

24 (11) Provider agency means any law enforcement agency, University of  
25 Nebraska police department, fire department, emergency medical service,  
26 funeral establishment, or other entity which employs or directs emergency  
27 services providers or public safety officials;

28 (12) Public safety official means a sheriff, a deputy sheriff, a  
29 police officer, a University of Nebraska police officer, a state highway  
30 patrol officer, a paid or volunteer firefighter, a school district  
31 employee, and any civilian law enforcement employee or volunteer

1 performing his or her duties, other than those as an emergency services  
2 provider;

3 (13) Responsible person means an individual who has been designated  
4 by an alternate facility to carry out the facility's responsibilities  
5 under sections 71-507 to 71-513. A responsible person may be designated  
6 on a case-by-case basis;

7 (14) Significant exposure means a situation in which the body  
8 fluids, including blood, saliva, urine, respiratory secretions, or feces,  
9 of a patient or individual have entered the body of an emergency services  
10 provider or public safety official through a body opening including the  
11 mouth or nose, a mucous membrane, or a break in skin from cuts or  
12 abrasions, from a contaminated needlestick or scalpel, from intimate  
13 respiratory contact, or through any other situation when the patient's or  
14 individual's body fluids may have entered the emergency services  
15 provider's or public safety official's body or when an airborne pathogen  
16 may have been transmitted from the patient or individual to the emergency  
17 services provider or public safety official; and

18 (15) Significant exposure report form means the form used by the  
19 emergency services provider to document information necessary for  
20 notification of significant exposure to an infectious disease or  
21 condition.

22 Sec. 19. Section 71-910, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 71-910 Peace officer or law enforcement officer means a sheriff, a  
25 jailer, a marshal, a police officer, a University of Nebraska police  
26 officer, or an officer of the Nebraska State Patrol.

27 Sec. 20. Section 81-1401, Revised Statutes Cumulative Supplement,  
28 2018, is amended to read:

29 81-1401 For purposes of sections 81-1401 to 81-1414.10, unless the  
30 context otherwise requires:

31 (1) Commission means the Nebraska Commission on Law Enforcement and

1 Criminal Justice;

2 (2) Council means the Nebraska Police Standards Advisory Council;

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

5 (4) Felony means a crime punishable by imprisonment for a term of  
6 more than one year or a crime committed outside of Nebraska which would  
7 be punishable by imprisonment for a term of more than one year if  
8 committed in Nebraska;

9 (5) Handgun means any firearm with a barrel less than sixteen inches  
10 in length or any firearm designed to be held and fired by the use of a  
11 single hand;

12 (6) Incapacity means incapable of or lacking the ability to perform  
13 or carry out the usual duties of a law enforcement officer in accordance  
14 with the standards established by the commission due to physical, mental,  
15 or emotional factors. Incapacity does not exist if a law enforcement  
16 officer remains employed as a law enforcement officer, including  
17 employment as a law enforcement officer in a restricted or limited-duty  
18 status;

19 (7) Law enforcement agency means the police department or the town  
20 marshal in incorporated municipalities, the office of sheriff in  
21 unincorporated areas, any University of Nebraska police department, and  
22 the Nebraska State Patrol;

23 (8)(a) Law enforcement officer means any person who is responsible  
24 for the prevention or detection of crime or the enforcement of the penal,  
25 traffic, or highway laws of the state or any political subdivision of the  
26 state for more than one hundred hours per year and is authorized by law  
27 to make arrests and includes, but is not limited to:

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

29 (ii) A county sheriff;

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

1 (iv) A full-time, part-time, or reserve employee of a municipal or  
2 village police agency;

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

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

6 (vii) A full-time or part-time University of Nebraska police  
7 officer; or

8 (viii) ~~(vii)~~ A full-time employee of an organized and paid fire  
9 department of any city of the metropolitan class who is an authorized  
10 arson investigator and whose duties consist of determining the cause,  
11 origin, and circumstances of fires or explosions while on duty in the  
12 course of an investigation;

13 (b) Law enforcement officer does not include employees of the  
14 Department of Correctional Services, probation officers under the  
15 Nebraska Probation System, parole officers appointed by the Director of  
16 Supervision and Services of the Division of Parole Supervision, or  
17 employees of the Department of Revenue under section 77-366; and

18 (c) A law enforcement officer shall possess a valid law enforcement  
19 officer certificate or diploma, as established by the council, in order  
20 to be vested with the authority of this section, but this subdivision  
21 does not prohibit an individual from receiving a conditional appointment  
22 as an officer pursuant to subsection (2) of section 81-1414;

23 (9) Training academy means the training center or such other  
24 council-approved law enforcement training facility operated and  
25 maintained by a law enforcement agency which offers certification  
26 training that meets or exceeds the certification training curriculum of  
27 the training center;

28 (10) Training center means the Nebraska Law Enforcement Training  
29 Center; and

30 (11) Training school means a public or private institution of higher  
31 education, including the University of Nebraska, the Nebraska state

1 colleges, and the community colleges of this state, that offers training  
2 in a council-approved pre-certification course.

3 Sec. 21. Section 81-1452, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:

5 81-1452 For purposes of sections 81-1452 to 81-1454, unless the  
6 context otherwise requires:

7 (1) Body-worn camera means a device worn by a peace officer in  
8 uniform which has the capability to record both audio and video of an  
9 interaction between a peace officer and a member of the public but does  
10 not include any device used by a plain clothes officer;

11 (2) Commission means the Nebraska Commission on Law Enforcement and  
12 Criminal Justice;

13 (3) Law enforcement agency means an agency or department of this  
14 state or of any political subdivision of this state which is responsible  
15 for the prevention and detection of crime, the enforcement of the penal,  
16 traffic, or highway laws of this state or any political subdivision of  
17 this state, and the enforcement of arrest warrants. Law enforcement  
18 agency includes a police department, an office of a town marshal, an  
19 office of a county sheriff, a University of Nebraska police department,  
20 the Nebraska State Patrol, and any department to which a deputy state  
21 sheriff is assigned as provided in section 84-106; and

22 (4) Peace officer means any officer or employee of a law enforcement  
23 agency authorized by law to make arrests.

24 Sec. 22. Section 81-1455, Revised Statutes Cumulative Supplement,  
25 2018, is amended to read:

26 81-1455 (1) On or before January 1, 2017, the Nebraska State Patrol,  
27 each county sheriff, each city or village police department, ~~and~~ any  
28 other law enforcement agency in this state and, beginning January 1,  
29 2020, each University of Nebraska police department, which conducts  
30 eyewitness suspect identifications shall adopt a written policy on  
31 eyewitness suspect identifications and provide a copy of such policy to

1 the Nebraska Commission on Law Enforcement and Criminal Justice. The  
2 policy shall include the minimum standards developed by the commission  
3 relating to the following: (a) Standards which describe the  
4 administration of a lineup, (b) procedures governing the instructions  
5 given by a peace officer to an eyewitness, and (c) procedures for  
6 documentation of the eyewitness's level of certainty of an  
7 identification.

8 (2) The Nebraska Commission on Law Enforcement and Criminal Justice  
9 shall distribute a standard model written policy on suspect  
10 identification by eyewitnesses. Any law enforcement agency described in  
11 subsection (1) of this section which fails to adopt its own policy as  
12 required by this section shall adopt the commission's standard model  
13 written policy.

14 Sec. 23. (1) University of Nebraska police officers employed by the  
15 chief executive officer of the University of Nebraska; the chancellors of  
16 the University of Nebraska-Lincoln, the University of Nebraska at Omaha,  
17 the University of Nebraska at Kearney, the University of Nebraska Medical  
18 Center; or any other postsecondary educational institution designated by  
19 the Legislature to be a part of the University of Nebraska have authority  
20 to aid state and local law enforcement agencies; enforce state law and  
21 city and village ordinances; and enforce the policies, bylaws, rules, and  
22 regulations of the Board of Regents of the University of Nebraska and its  
23 campuses, whether or not violation thereof constitutes a criminal  
24 offense. Upon satisfaction of the training requirements in section  
25 81-1414, University of Nebraska police officers shall have the power and  
26 authority of law enforcement officers and peace officers throughout this  
27 state, including, but not limited to:

28 (a) On property owned, occupied, or operated by the Board of Regents  
29 of the University of Nebraska; an endowment association; an affiliated  
30 corporation; an athletic association; a fraternity, sorority, or other  
31 student group associated with the University of Nebraska; or at the site



1 of a function or academic program sponsored by the University of  
2 Nebraska;

3 (b) Within the city or village or county where such property, as  
4 described in subdivision (1)(a) of this section, is located, as necessary  
5 to protect the health, safety, and welfare of students, faculty, and  
6 staff of the University of Nebraska;

7 (c) Wherever University of Nebraska activities are taking place; or

8 (d) When there is reason to believe that a violation of state law or  
9 a city or village ordinance has occurred. In such case, University of  
10 Nebraska police officers may investigate and arrest persons for such  
11 violation anywhere as identified in subdivisions (1)(a), (b), and (c) of  
12 this section. University of Nebraska police officers shall also have  
13 authority to transport persons in custody to an appropriate facility,  
14 wherever located.

15 (2) In performance of any of the powers, duties, and functions  
16 authorized by this section or any other law, University of Nebraska  
17 police officers shall have the same responsibilities, rights,  
18 protections, and immunities afforded to other law enforcement officers  
19 and peace officers under law.

20 (3) Any University of Nebraska law enforcement agency may, under the  
21 Interlocal Cooperation Act, enter into an agreement with a city or  
22 village or county for supplemental law enforcement services. Under such  
23 an agreement, city or village or county law enforcement personnel may  
24 have enforcement authority when working directly with University of  
25 Nebraska agencies providing services at university events and activities  
26 as set forth in the agreement. Unless otherwise set forth in the  
27 agreement, each participating city or village or county shall provide  
28 liability insurance coverage for its own law enforcement personnel under  
29 section 13-1802.

30 Sec. 24. Section 85-2602, Revised Statutes Cumulative Supplement,  
31 2018, is amended to read:

1           85-2602 For purposes of the Law Enforcement Education Act:

2           (1) Associate degree program means a degree program at a community  
3 college, state college, or state university which typically requires  
4 completion of an organized program of study of at least sixty semester  
5 credit hours or an equivalent that can be shown to accomplish the same  
6 goal. Associate degree program does not include a baccalaureate degree  
7 program;

8           (2) Baccalaureate degree program means a degree program at a  
9 community college, state college, or state university which typically  
10 requires completion of an organized program of study of at least one  
11 hundred twenty semester credit hours or an equivalent that can be shown  
12 to accomplish the same goal;

13           (3) Community college means a public postsecondary educational  
14 institution which is part of the community college system and includes  
15 all branches and campuses of such institution located within the State of  
16 Nebraska;

17           (4) Law enforcement officer means any person who is responsible for  
18 the prevention or detection of crime or the enforcement of the penal,  
19 traffic, or highway laws of the State of Nebraska or any political  
20 subdivision of the state for more than one hundred hours per year and who  
21 is authorized by law to make arrests;

22           (5) Law enforcement agency means a police department in a  
23 municipality, a sheriff's office, a University of Nebraska police  
24 department, and the Nebraska State Patrol;

25           (6) State college means a public postsecondary educational  
26 institution which is part of the Nebraska state college system and  
27 includes all branches and campuses of such institution located within the  
28 State of Nebraska;

29           (7) State university means a public postsecondary educational  
30 institution which is part of the University of Nebraska and includes all  
31 branches and campuses of such institution located within the State of

1 Nebraska; and

2 (8) Tuition means the charges and cost of tuition as set by the  
3 governing body of a state university, state college, or community  
4 college.

5 Sec. 25. Section 86-802, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 86-802 For purposes of the Kelsey Smith Act:

8 (1) Call location information means the best available location  
9 information, including, but not limited to, information obtained using  
10 historical cellular site information or a mobile locator tool;

11 (2) Law enforcement agency means a police department, a town  
12 marshal, the office of sheriff, a University of Nebraska police  
13 department, and the Nebraska State Patrol;

14 (3) Wireless carrier has the same meaning as in section 86-456; and

15 (4) Wireless communication device means any wireless electronic  
16 communication device that provides for voice or data communication  
17 between two or more parties, including a mobile or cellular telephone.

18 Sec. 26. Original sections 25-21,303, 28-109, 28-359, 28-710,  
19 28-1008, 29-4103, 49-801, 53-1,121, 60-646, 60-683, 69-2429, 71-507,  
20 71-910, and 86-802, Reissue Revised Statutes of Nebraska, and sections  
21 20-502, 20-504, 28-470, 42-903, 48-202, 54-902, 81-1401, 81-1452,  
22 81-1455, and 85-2602, Revised Statutes Cumulative Supplement, 2018, are  
23 repealed.