

LEGISLATIVE BILL 929

Approved by the Governor May 13, 1971

Introduced by Harold D. Simpson, 46th District

AN ACT to amend sections 81-1401, 81-1402, 81-1403, 81-1404, 81-1411, 81-1412, and 81-1414, Revised Statutes Supplement, 1969, relating to state administrative departments; to redefine terms; to transfer responsibility for operation, supervision, and maintenance of the Nebraska Law Enforcement Training Center from the superintendent of law enforcement and public safety to the Nebraska Commission on Law Enforcement and Criminal Justice; to provide for transition; to provide for a fund, its use and source; to provide an operative date; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 81-1401, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1401. As used in sections 81-1401 to 81-1414, unless the context otherwise requires:

(1) ~~Superintendent shall mean the superintendent of law enforcement and public safety~~ Commission shall mean the Nebraska Commission on Law Enforcement and Criminal Justice;

(2) Council shall mean the Nebraska Police Standards Advisory Council;

(3) Law enforcement officer shall mean any person who is responsible for the prevention or detection of crime or the enforcement of the penal, traffic, or highway laws of the state or any political subdivision thereof on a regular basis for more than one hundred hours per year and is:

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

(b) A county sheriff;

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

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

(4) Director shall mean the director of the Nebraska Law Enforcement Training Center; and

(5) Training center shall mean the Nebraska Law Enforcement Training Center.

Sec. 2. That section 81-1402, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1402. There is hereby created the Nebraska Law Enforcement Training Center under the supervision and control of the superintendent commission. The purpose of the training center shall be to conduct preemployment and advanced law enforcement training programs.

Sec. 3. That section 81-1403, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1403. The superintendent commission, after consultation with the Nebraska Police Standards Advisory Council shall:

(1) Adopt rules and regulations for the operation of the training center;

(2) Appoint and remove the director of the training center and delegate appropriate powers and duties to him;

(3) Establish curricula and requirements for satisfactory completion of preemployment and advanced training programs;

(4) Issue certificates attesting satisfactory completion of preemployment and advanced training programs;

(5) Set the tuition and fees of the training center;

(6) Annually certify all schools, public or private, providing a basic course of law enforcement training which complies with the qualifications and standards promulgated by him and offers training comparable to that offered by the training center;

(7) Extend the programs of the training center throughout the state on a regional basis; and

(8) Do all things necessary to carry out the purpose of the training center.

Sec. 4. That section 81-1404, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1404. The director of the Nebraska Law Enforcement Training Center shall devote full time to the duties of his office and shall not engage in any other business or profession or hold any other public office. He shall be responsible to the superintendent commission for the operation of the training center and the conducting of training programs. The director shall:

(1) Appoint and remove for cause such employees as may be necessary for the operation of the training center and delegate appropriate powers and duties to them;

(2) Conduct research for the purpose of evaluating and improving the effectiveness of law enforcement training programs;

(3) Consult with the Nebraska Police Standards Advisory Council on all matters pertaining to the training center; and

(4) Advise the superintendent commission concerning the operation and curricula of the training center and the formulation of training policy and procedures.

Sec. 5. That section 81-1411, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1411. upon the request of any sheriff, chief of police, or any other person having an equivalent title who is appointed or employed by the state or a subdivision thereof to exercise supervisory authority over law enforcement officers, the superintendent commission may waive any or all of the requirements of section 81-1410 for admission to the training center upon a finding that:

(1) The shortage of individuals meeting the requirements of section 81-1410 is such that a failure to waive such requirements will result in an inability of a police agency to recruit law enforcement officers;

(2) The pay scale and other working conditions of such police agency are commensurate with the pay scale and working conditions of police agencies of other jurisdictions of comparable size and economic circumstances; and

(3) It is in the public interest to waive such requirements.

Sec. 6. That section 81-1412, Revised Statutes Supplement, 1969, be amended to read as follows:

81-1412. Priority for admission to the training center shall be granted as follows:

(1) First, to law enforcement officers and persons indicating a bona fide intention of filing for the office of county sheriff;

(2) Second, to persons who have an offer for employment as a law enforcement officer contingent upon completion of law enforcement training;

(3) Third, to persons, other than law enforcement officers, employed by the state or a political subdivision thereof, whose employment includes law enforcement functions;

(4) Fourth, to persons who indicate a bona fide intention of seeking employment as a law enforcement officer;

(5) Fifth, to persons in the employ of a private business or corporation in this state holding a law enforcement commission;

(6) Sixth, to persons employed by another state, or subdivision thereof, in a law enforcement capacity; and

(7) Seventh, to other persons under such rules and regulations as the superintendent commission may make.

Sec. 7. That section 81-1414, Revised Statutes Supplement, 1969, be amended to read as follows:

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

(2) On and after January 1, 1972, no person shall receive appointment as a law enforcement officer unless he has been awarded a certificate by the superintendent commission attesting to his satisfactory completion of the minimum curriculum of the training center as established by the superintendent commission or has been awarded a certificate attesting to his satisfactory completion of a training program which the superintendent commission finds equivalent thereto. Any person who has not been awarded such a certificate may receive an appointment conditioned on his satisfactory completion of such training within one year from the date of his appointment. If such training is not completed within one year, his employment shall not be renewed by appointment or otherwise.

(3) On and after January 1, 1972, no law enforcement officer shall be promoted in rank unless he has been awarded a certificate by the director attesting to his satisfactory completion of such advanced training as the director may require for the rank to which he is to be promoted.

(4) The director shall issue a certificate attesting to a compliance with the requirements of subsection (2) or (3) of this section to any applicant who presents evidence of satisfactory completion of a training program, other than that of the training center, found by the director to be equivalent to that of the training center.

Sec. 8. All furniture, equipment, books, files, records, and other property, in the possession of and used by the superintendent of law enforcement and public safety in connection with the operation of the Nebraska Law Enforcement Training Center shall be transferred and delivered to the Nebraska Commission on Law Enforcement and Criminal Justice.

Sec. 9. There is hereby created a Law Enforcement Improvement Fund which shall be maintained by the State Treasurer as a separate revolving fund, and from which there shall be appropriated such amounts as are available therefrom and as shall by the Legislature be considered appropriate for the improvement of law enforcement at the municipal and county levels.

Sec. 10. A Law Enforcement Improvement Fund fee of one dollar shall be taxed as costs in each criminal proceeding including traffic violations filed in all courts of this state for violations of state law or city or village ordinance; Provided, that no such fee

shall be collected for nonmoving traffic violations handled by a violations bureau established by a local governing body, and no such fee shall be collected in any proceeding in any court where the proceeding or defendant has been dismissed by the court. Such fee shall be paid to the State Treasurer on forms prescribed by him within ten days of the close of each calendar quarter.

Sec. 11. This act shall become operative on July 1, 1971.

Sec. 12. That original sections 81-1401, 81-1402, 81-1403, 81-1404, 81-1411, 81-1412, and 81-1414, Revised Statutes Supplement, 1969, are repealed.

Sec. 13. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.