

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 764

FINAL READING

Introduced by Holdcroft, 36.

Read first time January 07, 2026

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to law enforcement; to amend section 81-1401,
- 2 Revised Statutes Supplement, 2025; to redefine a term; to provide
- 3 for certain Department of Correctional Services employees to be law
- 4 enforcement officers; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 81-1401, Revised Statutes Supplement, 2025, is
2 amended to read:

3 81-1401 For purposes of sections 81-1401 to 81-1414.19, unless the
4 context otherwise requires:

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

7 (2) Commission means the Nebraska Commission on Law Enforcement and
8 Criminal Justice;

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

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

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

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

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, the Nebraska State Patrol, and Class I railroad
22 police departments;

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

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

31 (ii) A county sheriff;

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

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

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

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

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

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

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

16 (x) An employee of the Department of Correctional Services who is
17 designated as a law enforcement officer by the department;

18 (b) Law enforcement officer includes a noncertified conditional
19 officer;

20 (c) Law enforcement officer does not include employees of the
21 Department of Correctional Services, except those described in
22 subdivision (8)(a)(x) of this section; ~~τ~~ probation officers under the
23 Nebraska Probation System; ~~τ~~ parole officers appointed by the Director of
24 Correctional Services; ~~τ~~ or employees of the Department of Revenue under
25 section 77-366; and

26 (d) Except for a noncertified conditional officer, a law enforcement
27 officer shall possess a valid law enforcement officer certificate or
28 diploma, as established by the council, in order to be vested with the
29 authority of this section;

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

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

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

7 (a) Conviction of a felony or misdemeanor crime of domestic
8 violence;

9 (b) Fabrication of evidence;

10 (c) Repeated substantiated allegations of the use of excessive
11 force;

12 (d) Acceptance of a bribe;

13 (e) Commission of fraud or perjury; or

14 (f) Sexual assault;

15 (12) Training academy means:

16 (a) The training center; or

17 (b) Another council-approved law enforcement training facility
18 which:

19 (i) Offers certification training that meets or exceeds the
20 certification training curriculum of the training center; and

21 (ii) Is operated and maintained by a law enforcement agency or by
22 multiple law enforcement agencies pursuant to the Interlocal Cooperation
23 Act;

24 (13) Training center means the Nebraska Law Enforcement Training
25 Center; and

26 (14) Training school means a public or private institution of higher
27 education, including the University of Nebraska, the Nebraska state
28 colleges, and the community colleges of this state, that offers training
29 in a council-approved pre-certification course.

30 **Sec. 2.** Original section 81-1401, Revised Statutes Supplement,
31 2025, is repealed.