

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 906

Introduced by Juarez, 5; Guereca, 7; McKinney, 11; Rountree, 3; Spivey,
13.

Read first time January 08, 2026

Committee: Judiciary

1 A BILL FOR AN ACT relating to law enforcement; to amend sections 13-910
2 and 81-8,219, Reissue Revised Statutes of Nebraska; to prohibit law
3 enforcement officers on duty from wearing a facial covering or
4 personal disguise and to require officers to wear appropriate
5 identification as prescribed; to define terms; to provide a penalty;
6 to require law enforcement agencies to adopt policies; to provide
7 for the inadmissability of certain evidence; to modify an exception
8 for intentional torts under the Political Subdivisions Tort Claims
9 Act and the State Tort Claims Act; and to repeal the original
10 sections.

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

1 **Section 1.** For purposes of sections 1 to 5 of this act:

2 (1) Appropriate identification means items that display both of the
3 following:

4 (a) The law enforcement officer's name and badge number; and

5 (b) The full name or initials of the law enforcement officer's
6 employing law enforcement agency;

7 (2) Covert operation means an operation during which a law
8 enforcement officer must conceal the officer's identity or purpose to
9 investigate and gather evidence of criminal activity;

10 (3) Facial covering means any opaque mask, garment, helmet,
11 headgear, or other item that conceals or obscures the facial identity of
12 an individual, including, but not limited to, a balaclava, tactical mask,
13 gator, ski mask, or any similar type of facial covering or face-shielding
14 item;

15 (4) Law enforcement agency means:

16 (a) The police department or the town marshal in incorporated
17 municipalities, the office of sheriff in unincorporated areas, the
18 Nebraska State Patrol, and Class I railroad police departments;

19 (b) Any law enforcement agency of another state;

20 (c) Any federal law enforcement agency; and

21 (d) A tribal police department;

22 (5) Law enforcement officer means:

23 (a) A law enforcement officer as defined in section 81-1401;

24 (b) A federal law enforcement officer;

25 (c) A member of the National Guard on active service by direction of
26 the Governor during a period of emergency or civil disorder;

27 (d) A member of a tribal police department or federal law
28 enforcement officer duly authorized to assert law enforcement powers by a
29 tribe in the State of Nebraska; and

30 (e) Any person acting on behalf of, or in concert with, any law
31 enforcement officer described in subdivision (5)(a), (b), (c), or (d) of

1 this section; and

2 (6) Personal disguise means any alteration of an individual's
3 appearance with the intent to conceal the individual's identity or
4 mislead others.

5 **Sec. 2.** The Legislature finds and declares:

6 (1) That the routine use of facial coverings by law enforcement
7 officers has significant implications for public perception, officer-
8 community interactions, and accountability;

9 (2) Whether intended or not, members of the public may experience
10 fear or intimidation when approached by officers whose faces are
11 obscured. This perception can heighten defensive behaviors and
12 unnecessarily escalate situations;

13 (3) Facial coverings limit the visibility of facial expressions,
14 which are essential components of nonverbal communication. In high-stress
15 or emotionally charged interactions, the inability to read an officer's
16 expression may lead to misinterpretation of tone or intent, increasing
17 the risk of conflict escalation;

18 (4) The visibility of an officer's face is vital for promoting
19 transparency, facilitating communication, and building trust between law
20 enforcement agencies and the communities they serve;

21 (5) When officers are not readily identifiable, it increases the
22 risk of impersonation by unauthorized individuals, which further
23 undermines public trust, endangers public safety, and hinders legitimate
24 law enforcement operations; and

25 (6) The use of facial coverings by law enforcement should not
26 obscure officer identity or hinder accountability, nor should those
27 coverings be used in a manner that enables or conceals discriminatory or
28 unlawful conduct.

29 **Sec. 3.** (1) Except as provided under subsections (2) and (3) of
30 this section, a law enforcement officer, while operating in this state
31 and in the performance of the officer's duties, shall wear appropriate

1 identification and shall not wear a facial covering or personal disguise.

2 (2) Subsection (1) of this section does not apply to a law
3 enforcement officer engaged in a covert or undercover operation.

4 (3) A law enforcement officer may wear a facial covering in any of
5 the following circumstances:

6 (a) To prevent the officer from contracting an airborne disease, the
7 officer may wear a mask or respirator that is designed to prevent the
8 transmission of airborne disease;

9 (b) To protect against exposure to bodily fluids, an officer may
10 wear a facial covering designed to prevent such exposure;

11 (c) To protect the officer from smoke, an airborne toxin, gas, or
12 any other particulate matter or irritant that could impair health or
13 trigger illness in an individual, whether immediately or in the future,
14 the officer may wear a mask, helmet, device, respirator, or other
15 equipment that provides such protection;

16 (d) To protect the officer from physical harm while engaged in high-
17 risk situations, including, but not limited to, a shootout, standoff,
18 hostage-taking situation, or terrorist situation, the officer may wear a
19 mask, helmet, or face shield that provides physical protection;

20 (e) An officer may wear a translucent face shield or clear mask that
21 does not conceal the wearer's facial identity;

22 (f) An officer may wear a mask, helmet, or device, including, but
23 not limited to, a self-contained breathing apparatus, when necessary for
24 underwater activities;

25 (g) An officer may wear a motorcycle helmet when operating a
26 motorcycle or other vehicle that requires a helmet for safe operations;
27 and

28 (h) An officer may wear eyewear necessary to protect from the use of
29 retinal weapons, including, but not limited to, lasers.

30 (4) A violation of this section is a Class III misdemeanor. This
31 penalty shall not apply if the law enforcement officer's law enforcement

1 agency has adopted a policy in compliance with section 4 of this act.

2 **Sec. 4.** By October 1, 2026, each law enforcement agency operating
3 in Nebraska shall maintain and publicly post a written policy regarding
4 the use of facial coverings and personal disguises that is consistent
5 with the requirements of section 3 of this act. Pursuant to such policy,
6 a supervisor shall not knowingly allow a law enforcement officer under
7 his or her supervision to violate such policy or section 3 of this act.

8 **Sec. 5.** (1) Except as provided in subsection (2) of this section,
9 in any civil or criminal proceeding, any evidence collected by a law
10 enforcement officer while such officer was in violation of section 3 of
11 this act shall be inadmissible, and such officer shall not be permitted
12 to testify as to any matters occurring while such officer was in
13 violation of section 3 of this act.

14 (2) This section does not apply to a law enforcement officer
15 testifying in his or her own defense or when due process would otherwise
16 require the admission of evidence or testimony otherwise prohibited under
17 this section.

18 **Sec. 6.** Section 13-910, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 13-910 The Political Subdivisions Tort Claims Act and sections
21 16-727, 16-728, 23-175, 39-809, and 79-610 shall not apply to:

22 (1) Any claim based upon an act or omission of an employee of a
23 political subdivision, exercising due care, in the execution of a
24 statute, ordinance, or officially adopted resolution, rule, or
25 regulation, whether or not such statute, ordinance, resolution, rule, or
26 regulation is valid;

27 (2) Any claim based upon the exercise or performance of or the
28 failure to exercise or perform a discretionary function or duty on the
29 part of the political subdivision or an employee of the political
30 subdivision, whether or not the discretion is abused;

31 (3) Any claim based upon the failure to make an inspection or making

1 an inadequate or negligent inspection of any property other than property
2 owned by or leased to such political subdivision to determine whether the
3 property complies with or violates any statute, ordinance, rule, or
4 regulation or contains a hazard to public health or safety unless the
5 political subdivision had reasonable notice of such hazard or the failure
6 to inspect or inadequate or negligent inspection constitutes a reckless
7 disregard for public health or safety;

8 (4) Any claim based upon the issuance, denial, suspension, or
9 revocation of or failure or refusal to issue, deny, suspend, or revoke
10 any permit, license, certificate, or order. Nothing in this subdivision
11 shall be construed to limit a political subdivision's liability for any
12 claim based upon the negligent execution by an employee of the political
13 subdivision in the issuance of a certificate of title under the Motor
14 Vehicle Certificate of Title Act and the State Boat Act except when such
15 title is issued upon an application filed electronically by an approved
16 licensed dealer participating in the electronic dealer services system
17 pursuant to section 60-1507;

18 (5) Any claim arising with respect to the assessment or collection
19 of any tax or fee or the detention of any goods or merchandise by any law
20 enforcement officer;

21 (6) Any claim caused by the imposition or establishment of a
22 quarantine by the state or a political subdivision, whether such
23 quarantine relates to persons or property;

24 (7) Any claim arising out of assault, battery, false arrest, false
25 imprisonment, malicious prosecution, abuse of process, libel, slander,
26 misrepresentation, deceit, or interference with contract rights, except
27 that this subdivision does not apply to a claim;

28 (a) Under ~~under~~ the Healthy Pregnancies for Incarcerated Women Act;
29 or

30 (b) Based on conduct of a law enforcement officer while such officer
31 was in violation of section 3 of this act;

1 (8) Any claim by an employee of the political subdivision which is
2 covered by the Nebraska Workers' Compensation Act;

3 (9) Any claim arising out of the malfunction, destruction, or
4 unauthorized removal of any traffic or road sign, signal, or warning
5 device unless it is not corrected by the political subdivision
6 responsible within a reasonable time after actual or constructive notice
7 of such malfunction, destruction, or removal. Nothing in this subdivision
8 shall give rise to liability arising from an act or omission of any
9 political subdivision in placing or removing any traffic or road signs,
10 signals, or warning devices when such placement or removal is the result
11 of a discretionary act of the political subdivision;

12 (10) Any claim arising out of snow or ice conditions or other
13 temporary conditions caused by nature on any highway as defined in
14 section 60-624, bridge, public thoroughfare, or other public place due to
15 weather conditions. Nothing in this subdivision shall be construed to
16 limit a political subdivision's liability for any claim arising out of
17 the operation of a motor vehicle by an employee of the political
18 subdivision while acting within the course and scope of his or her
19 employment by the political subdivision;

20 (11) Any claim arising out of the plan or design for the
21 construction of or an improvement to any highway as defined in such
22 section or bridge, either in original construction or any improvement
23 thereto, if the plan or design is approved in advance of the construction
24 or improvement by the governing body of the political subdivision or some
25 other body or employee exercising discretionary authority to give such
26 approval;

27 (12) Any claim arising out of the alleged insufficiency or want of
28 repair of any highway as defined in such section, bridge, or other public
29 thoroughfare. Insufficiency or want of repair shall be construed to refer
30 to the general or overall condition and shall not refer to a spot or
31 localized defect. A political subdivision shall be deemed to waive its

1 immunity for a claim due to a spot or localized defect only if (a) the
2 political subdivision has had actual or constructive notice of the defect
3 within a reasonable time to allow repair prior to the incident giving
4 rise to the claim or (b) the claim arose during the time specified in a
5 notice provided by the political subdivision pursuant to subsection (3)
6 of section 39-1359 and the state or political subdivision had actual or
7 constructive notice; or

8 (13)(a) Any claim relating to recreational activities for which no
9 fee is charged (i) resulting from the inherent risk of the recreational
10 activity, (ii) arising out of a spot or localized defect of the premises
11 unless the spot or localized defect is not corrected by the political
12 subdivision leasing, owning, or in control of the premises within a
13 reasonable time after actual or constructive notice of the spot or
14 localized defect, or (iii) arising out of the design of a skatepark or
15 bicycle motocross park constructed for purposes of skateboarding, inline
16 skating, bicycling, or scootering that was constructed or reconstructed,
17 reasonably and in good faith, in accordance with generally recognized
18 engineering or safety standards or design theories in existence at the
19 time of the construction or reconstruction. For purposes of this
20 subdivision, a political subdivision shall be charged with constructive
21 notice only when the failure to discover the spot or localized defect of
22 the premises is the result of gross negligence.

23 (b) For purposes of this subdivision:

24 (i) Recreational activities include, but are not limited to, whether
25 as a participant or spectator: Hunting, fishing, swimming, boating,
26 camping, picnicking, hiking, walking, running, horseback riding, use of
27 trails, nature study, waterskiing, winter sports, use of playground
28 equipment, biking, roller blading, skateboarding, golfing, athletic
29 contests; visiting, viewing, or enjoying entertainment events, festivals,
30 or historical, archaeological, scenic, or scientific sites; and similar
31 leisure activities;

1 (ii) Inherent risk of recreational activities means those risks that
2 are characteristic of, intrinsic to, or an integral part of the activity;

3 (iii) Gross negligence means the absence of even slight care in the
4 performance of a duty involving an unreasonable risk of harm; and

5 (iv) Fee means a fee to participate in or be a spectator at a
6 recreational activity. A fee shall include payment by the claimant to any
7 person or organization other than the political subdivision only to the
8 extent the political subdivision retains control over the premises or the
9 activity. A fee shall not include payment of a fee or charge for parking
10 or vehicle entry.

11 (c) This subdivision, and not subdivision (3) of this section, shall
12 apply to any claim arising from the inspection or failure to make an
13 inspection or negligent inspection of premises owned or leased by the
14 political subdivision and used for recreational activities.

15 **Sec. 7.** Section 81-8,219, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 81-8,219 The State Tort Claims Act shall not apply to:

18 (1) Any claim based upon an act or omission of an employee of the
19 state, exercising due care, in the execution of a statute, rule, or
20 regulation, whether or not such statute, rule, or regulation is valid, or
21 based upon the exercise or performance or the failure to exercise or
22 perform a discretionary function or duty on the part of a state agency or
23 an employee of the state, whether or not the discretion is abused;

24 (2) Any claim arising with respect to the assessment or collection
25 of any tax or fee, or the detention of any goods or merchandise by any
26 law enforcement officer;

27 (3) Any claim for damages caused by the imposition or establishment
28 of a quarantine by the state whether such quarantine relates to persons
29 or property;

30 (4) Any claim arising out of assault, battery, false imprisonment,
31 false arrest, malicious prosecution, abuse of process, libel, slander, or

1 interference with contract rights, except that this subdivision does not
2 apply to a claim;

3 (a) Under ~~under~~ the Healthy Pregnancies for Incarcerated Women Act;
4 or

5 (b) Based on conduct of a law enforcement officer while such officer
6 was in violation of section 3 of this act;

7 (5) Any claim arising out of misrepresentation or deceit, except
8 that, in cases of adoption or placement, the State Tort Claims Act shall
9 apply to a claim arising out of misrepresentation or deceit by the
10 Department of Health and Human Services in failing to warn, notify, or
11 inform of a ward's mental and behavioral health history, educational
12 history, and medical history, including any history as a victim or
13 perpetrator of sexual abuse;

14 (6) Any claim by an employee of the state which is covered by the
15 Nebraska Workers' Compensation Act;

16 (7) Any claim based on activities of the Nebraska National Guard
17 when such claim is cognizable under the Federal Tort Claims Act, 28
18 U.S.C. 2674, or the federal National Guard Claims Act, 32 U.S.C. 715, or
19 when such claim accrues as a result of active federal service or state
20 service at the call of the Governor for quelling riots and civil
21 disturbances;

22 (8) Any claim based upon the failure to make an inspection or making
23 an inadequate or negligent inspection of any property other than property
24 owned by or leased to the state to determine whether the property
25 complies with or violates any statute, ordinance, rule, or regulation or
26 contains a hazard to public health or safety unless the state had
27 reasonable notice of such hazard or the failure to inspect or inadequate
28 or negligent inspection constitutes a reckless disregard for public
29 health or safety;

30 (9) Any claim based upon the issuance, denial, suspension, or
31 revocation of or failure or refusal to issue, deny, suspend, or revoke

1 any permit, license, certificate, or order. Such claim shall also not be
2 filed against a state employee acting within the scope of his or her
3 office. Nothing in this subdivision shall be construed to limit the
4 state's liability for any claim based upon the negligent execution by a
5 state employee in the issuance of a certificate of title under the Motor
6 Vehicle Certificate of Title Act and the State Boat Act except when such
7 title is issued upon an application filed electronically by an approved
8 licensed dealer participating in the electronic dealer services system
9 pursuant to section 60-1507;

10 (10) Any claim arising out of the malfunction, destruction, or
11 unauthorized removal of any traffic or road sign, signal, or warning
12 device unless it is not corrected by the governmental entity responsible
13 within a reasonable time after actual or constructive notice of such
14 malfunction, destruction, or removal. Nothing in this subdivision shall
15 give rise to liability arising from an act or omission of any
16 governmental entity in placing or removing any traffic or road signs,
17 signals, or warning devices when such placement or removal is the result
18 of a discretionary act of the governmental entity;

19 (11) Any claim arising out of snow or ice conditions or other
20 temporary conditions caused by nature on any highway as defined in
21 section 60-624, bridge, public thoroughfare, or other state-owned public
22 place due to weather conditions. Nothing in this subdivision shall be
23 construed to limit the state's liability for any claim arising out of the
24 operation of a motor vehicle by an employee of the state while acting
25 within the course and scope of his or her employment by the state;

26 (12) Any claim arising out of the plan or design for the
27 construction of or an improvement to any highway as defined in such
28 section or bridge, either in original construction or any improvement
29 thereto, if the plan or design is approved in advance of the construction
30 or improvement by the governing body of the governmental entity or some
31 other body or employee exercising discretionary authority to give such

1 approval;

2 (13) Any claim arising out of the alleged insufficiency or want of
3 repair of any highway as defined in such section, bridge, or other public
4 thoroughfare. Insufficiency or want of repair shall be construed to refer
5 to the general or overall condition and shall not refer to a spot or
6 localized defect. The state shall be deemed to waive its immunity for a
7 claim due to a spot or localized defect only if the state has had actual
8 or constructive notice of the defect within a reasonable time to allow
9 repair prior to the incident giving rise to the claim;

10 (14)(a) Any claim relating to recreational activities on property
11 leased, owned, or controlled by the state for which no fee is charged (i)
12 resulting from the inherent risk of the recreational activity, (ii)
13 arising out of a spot or localized defect of the premises unless the spot
14 or localized defect is not corrected within a reasonable time after
15 actual or constructive notice of the spot or localized defect, or (iii)
16 arising out of the design of a skatepark or bicycle motocross park
17 constructed for purposes of skateboarding, inline skating, bicycling, or
18 scootering that was constructed or reconstructed, reasonably and in good
19 faith, in accordance with generally recognized engineering or safety
20 standards or design theories in existence at the time of the construction
21 or reconstruction. For purposes of this subdivision, the state shall be
22 charged with constructive notice only when the failure to discover the
23 spot or localized defect of the premises is the result of gross
24 negligence.

25 (b) For purposes of this subdivision:

26 (i) Recreational activities include, but are not limited to, whether
27 as a participant or spectator: Hunting, fishing, swimming, boating,
28 camping, picnicking, hiking, walking, running, horseback riding, use of
29 trails, nature study, waterskiing, winter sports, use of playground
30 equipment, biking, roller blading, skateboarding, golfing, athletic
31 contests; visiting, viewing, or enjoying entertainment events, festivals,

1 or historical, archaeological, scenic, or scientific sites; and similar
2 leisure activities;

3 (ii) Inherent risk of recreational activities means those risks that
4 are characteristic of, intrinsic to, or an integral part of the activity;

5 (iii) Gross negligence means the absence of even slight care in the
6 performance of a duty involving an unreasonable risk of harm; and

7 (iv) Fee means a fee to participate in or be a spectator at a
8 recreational activity. A fee shall include payment by the claimant to any
9 person or organization other than the state only to the extent the state
10 retains control over the premises or the activity. A fee shall not
11 include payment of a fee or charge for parking or vehicle entry.

12 (c) This subdivision, and not subdivision (8) of this section, shall
13 apply to any claim arising from the inspection or failure to make an
14 inspection or negligent inspection of premises owned or leased by the
15 state and used for recreational activities; or

16 (15) Any claim arising as a result of a special event during a
17 period of time specified in a notice provided by a political subdivision
18 pursuant to subsection (3) of section 39-1359.

19 **Sec. 8.** Original sections 13-910 and 81-8,219, Reissue Revised
20 Statutes of Nebraska, are repealed.