

E & R AMENDMENTS TO LB 593

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 "Section 1. The working men and women in Nebraska law
4 enforcement risk their lives everyday. The people of Nebraska
5 greatly appreciate the hard work and dedication of law enforcement
6 officers in protecting the public. The good name of these officers
7 should not be tarnished by the actions of those few who commit
8 discriminatory practices in defiance of the Nebraska Law
9 Enforcement Non-Discrimination Resolution adopted on October 10,
10 2000, by various Nebraska law enforcement entities.

11 Racial profiling is a practice that presents a great
12 danger to the fundamental principles of a democratic society. It
13 is abhorrent and cannot be tolerated. Motorists who have been
14 stopped by the police for no reason other than the color of their
15 skin or their apparent nationality or ethnicity are the victims of
16 discriminatory practices.

17 Sec. 2. (1) No member of the Nebraska State Patrol or a
18 county sheriff's office, officer of a city or village police
19 department, or member of any other law enforcement agency in this
20 state shall engage in racial profiling. The disparate treatment of
21 an individual whose motor vehicle has been stopped by a law
22 enforcement officer is inconsistent with this policy.

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

1 Sec. 3. For purposes of sections 1 to 5 of this act:

2 (1) Disparate treatment means differential treatment of
3 persons on the basis of race, color, or national origin;

4 (2) Motor vehicle stop means any stop of a motor vehicle;
5 and

6 (3) Racial profiling means detaining an individual or
7 conducting a motor vehicle stop based upon disparate treatment of
8 an individual.

9 Sec. 4. (1) On or before January 1, 2002, the Nebraska
10 State Patrol, the county sheriffs, all city and village police
11 departments, and any other law enforcement agency in this state
12 shall adopt a written policy that prohibits the detention of any
13 person or a motor vehicle stop when such action is motivated by
14 racial profiling and the action would constitute a violation of the
15 civil rights of the person.

16 (2) With respect to a motor vehicle stop, on and after
17 January 1, 2002, the Nebraska State Patrol, the county sheriffs,
18 all city and village police departments, and any other law
19 enforcement agency in this state shall record and retain the
20 following information using the form developed and promulgated
21 pursuant to section 5 of this act:

22 (a) The number of motor vehicle stops;

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

1 stopped;

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

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

8 (e) Any additional information that the Nebraska State
9 Patrol, the county sheriffs, all city and village police
10 departments, or any other law enforcement agency in this state, as
11 the case may be, deems appropriate.

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

26 (4) Any law enforcement officer who in good faith records
27 information on a motor vehicle stop pursuant to this section shall

1 not be held civilly liable for the act of recording such
2 information unless the law enforcement officer's conduct was
3 unreasonable or reckless or in some way contrary to law.

4 (5) On or before October 1, 2002, and annually thereafter
5 until January 1, 2004, the Nebraska State Patrol, the county
6 sheriffs, all city and village police departments, and all other
7 law enforcement agencies in this state shall provide to the
8 commission, in such form as the commission prescribes, a summary
9 report of the information recorded pursuant to subsection (2) of
10 this section.

11 (6) On and after January 1, 2002, and until January 1,
12 2004, the commission may, within the limits of its existing
13 appropriations, provide for a review of the prevalence and
14 disposition of motor vehicle stops based on racial profiling and
15 allegations reported pursuant to this section. The results of such
16 review shall be reported to the Governor and the Legislature on or
17 before April 1, 2004.

18 Sec. 5. On or before January 1, 2002, the Nebraska
19 Commission on Law Enforcement and Criminal Justice, the
20 Superintendent of Law Enforcement and Public Safety, the Attorney
21 General, and the State Court Administrator may adopt and
22 promulgate: (1) A form, in printed or electronic format, to be
23 used by a law enforcement officer when making a motor vehicle stop
24 to record personal identifying information about the operator of
25 such motor vehicle, the location of the stop, the reason for the
26 stop, and any other information that is required to be recorded
27 pursuant to subsection (2) of section 4 of this act and (2) a form,

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- 1 in printed or electronic format, to be used to report an allegation
- 2 of racial profiling by a law enforcement officer.".