

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 593

Introduced by Connealy, 16; Aguilar, 35; Beutler, 28; Bourne, 8;
Byars, 30; Chambers, 11; Engel, 17; Schimek, 27;
Thompson, 14; Wickersham, 49

Read first time January 12, 2001

Committee: Judiciary

A BILL

1 FOR AN ACT relating to law enforcement; to prohibit racial
2 profiling as prescribed; to provide duties for the
3 Nebraska State Patrol and other law enforcement agencies
4 as prescribed and the Nebraska Commission on Law
5 Enforcement and Criminal Justice; and to provide for
6 reports.

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

1 Section 1. (1) No member of the Nebraska State Patrol,
2 county sheriff, officer of a city or village police department, or
3 any other law enforcement agency in this state shall engage in
4 racial profiling. The detention or other disparate treatment of an
5 individual based on any noncriminal factor or combination of
6 noncriminal factors is inconsistent with this policy.

7 (2) Racial profiling shall not be used to justify the
8 detention of an individual or the investigatory stop of a motor
9 vehicle.

10 Sec. 2. For purposes of sections 1 to 4 of this act:

11 (1) Disparate treatment means differential treatment of
12 persons on the basis of race, color, religion, sex, national
13 origin, or handicap;

14 (2) Investigatory stop means a stop of a person by a law
15 enforcement officer based upon probable cause or reasonable
16 suspicion, and includes even a brief nonintrusive detention; and

17 (3) Racial profiling means detaining an individual or
18 conducting an investigatory stop of a motor vehicle based solely
19 upon disparate treatment of an individual.

20 Sec. 3. (1) On and after January 1, 2002, the Nebraska
21 State Patrol, the county sheriffs, all city and village police
22 departments, and any other law enforcement agencies in this state
23 shall adopt a written policy that prohibits the detention of any
24 person or the investigatory stop of a motor vehicle when such
25 action is solely motivated by racial profiling and the action would
26 constitute a violation of the civil rights of the person.

27 (2) With respect to the investigatory stop of a motor
28 vehicle, on and after January 1, 2002, the Nebraska State Patrol,

1 the county sheriffs, all city and village police departments, and
2 any other law enforcement agencies in this state shall record and
3 retain the following information using the form developed and
4 promulgated pursuant to section 4 of this act:

5 (a) The number of investigatory stops of motor vehicles;

6 (b) The characteristics of race or ethnicity of the
7 persons in such motor vehicles. The identification of such
8 characteristics shall be based on the observation and perception of
9 the law enforcement officer responsible for reporting the
10 investigatory stop of the motor vehicle and the information shall
11 not be required to be provided by the person stopped;

12 (c) The nature of the alleged violation that resulted in
13 the investigatory stop of the motor vehicle stop;

14 (d) Whether a warning or citation was issued, an arrest
15 made, or a search conducted as a result of the investigatory stop
16 of the motor vehicle; and

17 (e) Any additional information that the Nebraska State
18 Patrol, the county sheriffs, all city and village police
19 departments, or any other law enforcement agencies in this state,
20 as the case may be, deems appropriate.

21 (3) The Nebraska State Patrol, the county sheriffs, all
22 city or village police departments, and any other law enforcement
23 agencies in this state shall develop a system for receiving
24 complaints alleging racial profiling. The Nebraska State Patrol,
25 the county sheriffs, all city and village police departments, and
26 any other law enforcement agencies in this state shall provide to
27 the Nebraska Commission on Law Enforcement and Criminal Justice (a)
28 a copy of each complaint received alleging racial profiling and (b)

1 written notification of the review and disposition of such
2 complaint.

3 (4) Any law enforcement officer who in good faith records
4 information on an investigatory stop of a motor vehicle pursuant to
5 this section shall not be held civilly liable for the act of
6 recording such information unless the law enforcement officer's
7 conduct was unreasonable or reckless or in some way contrary to
8 law.

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

16 (6) On and after January 1, 2002, and until January 1,
17 2004, the commission shall, within the limits of its existing
18 appropriations, provide for a review of the prevalence and
19 disposition of investigatory stops of motor vehicles and complaints
20 reported pursuant to this section. The commission shall report to
21 the Governor and the Legislature the results of such review,
22 including any recommendations.

23 Sec. 4. On and after January 1, 2002, the Nebraska
24 Commission on Law Enforcement and Criminal Justice, the
25 Superintendent of Law Enforcement and Public Safety, the Attorney
26 General, and the State Court Administrator shall adopt and
27 promulgate: (1) A form, in printed or electronic format, to be
28 used by a law enforcement officer when making an investigatory stop

1 of a motor vehicle to record personal identifying information about
2 the operator of such motor vehicle, the location of the stop, the
3 reason for the stop, and any other information that is required to
4 be recorded pursuant to subsection (2) of section 3 of this act and
5 (2) a form, in printed or electronic format, to be used to report a
6 complaint alleging racial profiling by a law enforcement officer.