

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 54

Introduced by McKinney, 11.

Read first time January 05, 2023

Committee: Executive Board

- 1 A BILL FOR AN ACT relating to the Legislature; to state findings; to
2 provide for racial impact statements for legislation; to provide
3 powers and duties for the office of Legislative Research.
4 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Legislature finds and declares that:

2 (1) Racial disparities exist for people of color and racial
3 minorities in this state in all parts of the criminal justice system and
4 juvenile justice system. Racial disparities in the adult and youth
5 criminal justice systems exist when the proportion of a racial or ethnic
6 group within the control of those systems is greater than the proportion
7 of such groups in the general population. People of color are
8 overrepresented in all components of the adult and juvenile criminal
9 justice system, from contact with police to length of imprisonment;

10 (2) The source or cause of such disparities are systemic, rooted in
11 our nation's history, and deeper than explicit acts of racial
12 discrimination. The causes of such disparities are varied and include
13 matters such as socioeconomic factors, differing levels of criminal
14 activity, law enforcement emphasis on particular communities, and
15 decisions by criminal justice practitioners who exercise broad discretion
16 in the justice process at one or more stages in the system. One of the
17 principal causes of such disparities is the legislative policies
18 underlying the creation and modification of statutes relating to criminal
19 law and the justice system;

20 (3) The Legislature has an obligation to reduce the racial
21 disparities of our criminal justice system and to identify legislative
22 bills that are likely to exacerbate or ameliorate these disparities. The
23 preparation of racial impact statements for certain legislative bills
24 will help the Legislature meet this responsibility; and

25 (4) A racial impact statement is an explanatory statement
26 summarizing the expected impact a legislative bill may have on
27 identifiable racial groups. Racial impact statements can assist
28 legislators by identifying and evaluating the anticipated potential
29 disparities of proposed legislation prior to its adoption and
30 implementation and can assist legislators in detecting otherwise
31 unforeseen policy ramifications.

1 Sec. 2. (1) Beginning in the second session of the One Hundred
2 Eighth Legislature, the office of Legislative Research shall prepare and
3 provide racial impact statements for legislative bills as designated by
4 the Executive Board of the Legislative Council. The primary focus for
5 preparation of racial impact statements shall be legislative bills that
6 relate to the criminal justice system, the juvenile justice system,
7 prisons, jails, probation, or parole and that, if passed, may have a
8 disparate impact on racial minority populations.

9 (2) A racial impact statement shall clearly summarize the estimated
10 impact of a legislative bill on racial minority populations in the state
11 and the estimated impact of the legislative bill on racial disparities in
12 the state. A racial impact statement may include any relevant research on
13 the historical racial impact of similar legislative bills enacted
14 previously. A racial impact statement shall reflect any data or methods
15 used to measure such racial impact.

16 (3) The office of Legislative Research may request the cooperation
17 of any state agency, political subdivision, accredited academic
18 institution, or subject matter expert in preparation of a racial impact
19 statement or the collection of any data or information necessary to
20 prepare a racial impact statement.