

LEGISLATIVE BILL 115

Approved by the Governor March 25, 2005

Introduced by Friend, 10; Cornett, 45

AN ACT relating to law enforcement; to amend section 81-1403, Revised Statutes Supplement, 2004; to change revocation and suspension procedures for law enforcement certificates; and to repeal the original section.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 81-1403, Revised Statutes Supplement, 2004, is amended to read:

81-1403. Subject to review and approval by the commission, the council shall:

(1) Adopt and promulgate rules and regulations for law enforcement pre-certification, certification, continuing education, and training requirements. Such rules and regulations may include the authority to impose a fine on any individual, political subdivision, or agency who or which violates such rules and regulations. The fine for each separate violation of any rule or regulation shall not exceed either (a) a one-time maximum fine of five hundred dollars or (b) a maximum fine of one hundred dollars per day until the individual, political subdivision, or agency complies with such rules or regulations. All fines collected pursuant to this subdivision shall be remitted to the State Treasurer for credit to the permanent school fund;

(2) Adopt and promulgate rules and regulations for the operation of the training center;

(3) Recommend to the commission the names of persons to be appointed to the position of director of the training center, delegate appropriate powers and duties to and provide direct supervision of the director, and when warranted recommend to the commission that the director be removed for cause;

(4) Establish requirements for satisfactory completion of pre-certification programs, certification programs, and advanced training programs;

(5) Issue certificates or diplomas attesting satisfactory completion of pre-certification programs, certification programs, and advanced training programs;

(6) Revoke or suspend such certificates or diplomas according to rules and regulations established by the council for reasons which shall include, but not be limited to, (a) incompetence, (b) neglect of duty, ~~and~~ (c) physical, mental, or emotional incapacity, and (d) final conviction of or pleading guilty or nolo contendere to a felony. The rules and regulations shall provide for revocation of a certificate holder's certificate without a hearing upon his or her final conviction of or pleading guilty or nolo contendere to a felony. For purposes of this subdivision, felony means a crime punishable by imprisonment for a term of more than one year or a crime committed outside of Nebraska which would be punishable by imprisonment for a term of more than one year if committed in Nebraska. The - Such rules and regulations shall include a procedure for hearing appeals of any person who feels that the revocation or suspension of his or her certificate or diploma was in error;

(7) Set the tuition and fees for the training center and all officers of other training academies not employed by that training academy's agency. The tuition and fees set for the training center pursuant to this subdivision shall be adjusted annually pursuant to the training center budget approved by the Legislature. All other tuition and fees shall be set in order to cover the costs of administering sections 81-1401 to 81-1414. All tuition and fees shall be remitted to the State Treasurer for credit to the Nebraska Law Enforcement Training Center Cash Fund;

(8) Annually certify any training academies providing a basic course of law enforcement training which complies with the qualifications and standards promulgated by the council and offering training that meets or exceeds training that is offered by the training center. The council shall set the maximum and minimum applicant enrollment figures for training academies training non-agency officers;

(9) Extend the programs of the training center throughout the state on a regional basis;

(10) Establish the qualifications and standards and provide the training required by section 81-1439; and

(11) Do all things necessary to carry out the purpose of the training center, except that functional authority for budget and personnel

matters shall remain with the commission.

Any administrative fine imposed under this section shall constitute a debt to the State of Nebraska which may be collected by lien foreclosure or sued for and recovered in any proper form of action by the office of the Attorney General in the name of the State of Nebraska in the district court of the county where the final agency action was taken. All fines imposed by the council shall be remitted to the State Treasurer for credit to the permanent school fund.

Sec. 2. Original section 81-1403, Revised Statutes Supplement, 2004, is repealed.