

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 318**

Introduced by McGill, 26.

Read first time January 17, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to criminal procedure; to amend section 29-209,  
2 Reissue Revised Statutes of Nebraska; to change  
3 provisions relating to duties of law enforcement officers  
4 and agencies relating to the taking and distribution of  
5 fingerprints; to provide a penalty; and to repeal the  
6 original section.

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

1           Section 1. Section 29-209, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           29-209 ~~It is hereby made the duty of the sheriffs of the~~  
4 ~~several counties of the State of Nebraska, the chiefs of police of~~  
5 ~~incorporated cities therein, marshals of incorporated cities and~~  
6 ~~towns therein, and agencies of state government having powers of~~  
7 ~~arrest to furnish the Nebraska State Patrol two copies of~~  
8 ~~fingerprints on forms provided by the Nebraska State Patrol and the~~  
9 ~~Federal Bureau of Investigation, and descriptions of all persons who~~  
10 ~~are arrested by them (1) for any felony or (2) as felony fugitives~~  
11 ~~from the criminal justice system of another jurisdiction. This~~  
12 ~~section is not intended to include violators of city ordinances or of~~  
13 ~~persons arrested for other trifling offenses. The Nebraska State~~  
14 ~~Patrol shall in all appropriate cases forward one copy of such~~  
15 ~~fingerprints and other necessary identifying data and information to~~  
16 ~~the system maintained by the Federal Bureau of Investigation.~~

17           (1) It is the duty of the sheriffs of the counties of the  
18 State of Nebraska, the chiefs of police of incorporated cities in  
19 this state, the marshals of incorporated cities, towns, and villages  
20 in this state, agencies of state government having powers of arrest,  
21 and agencies of the state or local government having authority to  
22 detain and incarcerate persons, to furnish the Nebraska State Patrol,  
23 within fourteen days after the date of arrest, two copies of  
24 fingerprints on forms provided by the Nebraska State Patrol and the  
25 Federal Bureau of Investigation or by equivalent electronic

1 submission, as well as descriptions of all persons who are (a)  
2 arrested for any felony, a Class I, II, or W misdemeanor, or for  
3 violation of a city ordinance with a substantially equivalent  
4 penalty, (b) arrested as fugitives from the criminal justice system  
5 of another jurisdiction, or (c) arrested and incarcerated for any  
6 criminal violation. The Nebraska State Patrol shall, in all  
7 appropriate cases, forward one copy of the fingerprints or an  
8 equivalent electronic submission as well as any other necessary  
9 identifying data and information to the system maintained by the  
10 Federal Bureau of Investigation.

11 (2) If, at the time of arraignment for an offense as  
12 described in subsection (1) of this section, a person's fingerprints  
13 have not been submitted, the court shall order the submission of the  
14 person's fingerprints prior to the acceptance of the plea.

15 (3) Any person who violates this section is guilty of a  
16 Class III misdemeanor.

17 Sec. 2. Original section 29-209, Reissue Revised Statutes  
18 of Nebraska, is repealed.