

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 99

Introduced by Mello, 5.

Read first time January 10, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to civil rights; to amend section 20-504, Reissue
2 Revised Statutes of Nebraska; to change provisions
3 relating to racial profiling information reviews
4 performed by the Nebraska Commission on Law Enforcement
5 and Criminal Justice; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 20-504, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 20-504 (1) On or before January 1, 2002, the Nebraska
4 State Patrol, the county sheriffs, all city and village police
5 departments, and any other law enforcement agency in this state shall
6 adopt a written policy that prohibits the detention of any person or
7 a motor vehicle stop when such action is motivated by racial
8 profiling and the action would constitute a violation of the civil
9 rights of the person.

10 (2) With respect to a motor vehicle stop, on and after
11 January 1, 2002, and until January 1, ~~2014~~, 2018, the Nebraska State
12 Patrol, the county sheriffs, all city and village police departments,
13 and any other law enforcement agency in this state shall record and
14 retain the following information using the form developed and
15 promulgated pursuant to section 20-505:

16 (a) The number of motor vehicle stops;

17 (b) The characteristics of race or ethnicity of the
18 person stopped. The identification of such characteristics shall be
19 based on the observation and perception of the law enforcement
20 officer responsible for reporting the motor vehicle stop and the
21 information shall not be required to be provided by the person
22 stopped;

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

25 (d) Whether a warning or citation was issued, an arrest

1 made, or a search conducted as a result of the motor vehicle stop.
2 Search does not include a search incident to arrest or an inventory
3 search; and

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

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

22 (4) Any law enforcement officer who in good faith records
23 information on a motor vehicle stop pursuant to this section shall
24 not be held civilly liable for the act of recording such information
25 unless the law enforcement officer's conduct was unreasonable or

1 reckless or in some way contrary to law.

2 (5) On or before October 1, 2002, and annually thereafter
3 until January 1, ~~2014, 2018,~~ the Nebraska State Patrol, the county
4 sheriffs, all city and village police departments, and all other law
5 enforcement agencies in this state shall provide to the commission,
6 in such form as the commission prescribes, a summary report of the
7 information recorded pursuant to subsection (2) of this section.

8 (6) On and after January 1, 2002, and until April 1,
9 ~~2014, 2018,~~ the commission may, within the limits of its existing
10 appropriations, provide for a review of the prevalence and
11 disposition of motor vehicle stops based on racial profiling and
12 allegations reported pursuant to this section. The results of such
13 review shall be reported annually to the Governor and the Legislature
14 beginning on or before April 1, 2004, until April 1, ~~2014, 2018.~~ The
15 report submitted to the Legislature shall be submitted
16 electronically.

17 (7) The commission may accept and shall actively seek any
18 and all grants, donations, gifts, or contributions from public or
19 private sources for the purpose of funding as comprehensive a review
20 as possible as provided in subsection (6) of this section. Such funds
21 shall be remitted to the State Treasurer for credit to the General
22 Fund. The State Treasurer shall disburse such funds collected
23 pursuant to this subsection for the purpose set forth in this
24 subsection.

25 Sec. 2. Original section 20-504, Reissue Revised Statutes

1 of Nebraska, is repealed.