

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee March 28, 2019

LATHROP: Good afternoon, and welcome to the Judiciary Committee. My name is Steve Lathrop. I'm the state senator from District 12 in Omaha-- and Omaha and Ralston. I'd like to-- let's see where we're at. We do a little warm up here just so that everybody knows how these hearings are conducted and there are some people that I know have been here in the past, like when before I was term limited. But we go through this every day just so that people that are new to the process understand how it works. So with your indulgence, on the table inside the doors that you came in, you will find yellow testifier sheets. If you're planning on testifying today, please fill out one and hand it to the page when you come up to testify. This helps us keep an accurate record of the hearing. There is also a white sheet on the table if you do not wish to testify but would like to record your position on a bill. Also for future reference-- oh, it's not going to be important, today's our last hearing day. We will begin bill testimony with the introducer's opening statement. Following the opening, we'll hear from proponents of the bill, then opponents, and finally by anyone speaking in the neutral capacity. We will finish with a closing statement by the introducer if they wish to give one. We ask if you are going to testify that you begin your testimony by giving us your first and last name and spell them for the record. We utilize an on-deck chair. In fact, we have a row of on-deck chairs here. We ask that you keep that row and the chairs filled with the next person to testify to keep the hearing moving along. If you have any handouts, please bring up at least 12 copies and give them to the page. If you do not have enough copies, the page can make more for you. We utilize a light system, and this is gonna be important because we have a lot of people that want to be heard today which is great. This is a light system I'm referring to, it's on my desk. When you-- it's a total of three minutes to testify and I always tell people if you're-- if you came with prepared remarks and this is the first you heard that we have a three-minute limit, you might want to take your pen out and pare those down because we do have to, we have to try to enforce that just so that everybody has a chance to be heard. The light will turn green when you begin as it is right now. It'll be on for two minutes, then you'll have a yellow light for one minute and that's sort of you're one-minute warning. And when the light comes red, as it is right here, we ask that you wrap up your final thought and stop. It gets a little awkward if you keep going over the red and I have to interrupt and I really don't like doing that as the Chair of the committee if I can avoid it. As a matter of committee policy I'd like to remind everyone that the use of cell phones and other

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electronic devices is not allowed during public hearings. You may see some senators use them to take notes or stay in contact with their staff however. At this time, I'd ask everyone to look at their phone and make sure it is in the silent mode. Also verbal outbursts or applause are not permitted in the hearing room. Such behavior may be caused to have you excused from the hearing room. You may notice committee members coming and going or not here at the beginning of the hearings. That has nothing to do with how they regard the importance of the bill before the committee. But senators have bills to introduce in other committees or have other meetings to attend to. We're holding our hearing in the Warner Chamber while our hearing room is being renovated. Please remember that water bottles, soda cans, and cups are not permitted on the desks. And that's to avoid water damage to this historic Chamber. Assisting the committee today are Laurie Vollertsen, our committee clerk; Neal Erickson and Josh Henningsen are our two legal counsel; and the committee pages who've done a great job this year, and this is their last time since this is our last hearing of the year, Alyssa Lund and Dana Mallett, both students at UNL. And with that and before we begin the first bill, I'll have senators introduce themselves and we'll start with Senator DeBoer.

DeBOER: I'm Wendy DeBoer. I'm from District 10, which is Bennington and the surrounding areas and northwest Omaha.

BRANDT: Tom Brandt, Legislative District 32, Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster County.

MORFELD: Adam Morfeld, northeast Lincoln, District 46.

SLAMA: Julie Slama, District 1, Otoe, Nemaha, Johnson, Pawnee, and Richardson counties.

WAYNE: Justin Wayne, District 13.

LATHROP: And with that and the introductions out of the way, welcome, Senator Dorn. And we're ready for your opening on LB106.

DORN: Well, thank you. Thank you very much. Good afternoon, Chairman Lathrop and other members of the Judi-- Judiciary Committee. My name is Myron-- Senator Myron Dorn, M-y-r-o-n D-o-r-n. I am here to present LB106 which is a very straightforward bill. LB106 will harmonize the current state statutes regarding DNA records and confidentiality to comply with federal law, federal rules and regulations, and laboratory policies and procedures. The bill will ensure the privacy and

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confidentiality of the DNA profiles in the CODIA [SIC] database that they meet the federal standards. There are representatives here that I will be turning this over to that will be able to answer a lot more detailed questions on this. I did, however, want to come in on a handout that I did hand out and the-- they did pass out to everyone. This is a note on the fiscal bill. If you go in and look on the proposed fiscal bill, it's a rather large fiscal bill that came about basically in the early part of this bill. Since then my staff and other people have visited with the university and the medical center up there and this is a copy of an e-mail that we have from them that basically says, they are fine with all of this and there will not be any type of a fiscal bill with this bill.

LATHROP: Well, congratulations. That's a-- that's an important achievement so far.

DORN: Well, yes.

LATHROP: Getting the fiscal note gone.

DORN: Oh, sorry.

LATHROP: I do not see any questions for you, but thanks for that introduction.

DORN: Yep.

LATHROP: Colonel, welcome to the Judiciary Committee.

JOHN BOLDUC: Good afternoon, Chairman Lathrop, members of the Judiciary Committee. My name is John Bolduc, J-o-h-n B-o-l-d-u-c, superintendent of the Nebraska State Patrol. I'm here today to testify in support of LB106. The DNA database is part of the Federal Bureau of Investigation's Combined DNA Index System, or CODIS. Nebraska's participation with CODIS has aided over 640 criminal investigations to date in Nebraska. Nebraska law provides for collection of DNA from all felons and individuals convicted of certain misdemeanor offenses. This includes crimes such as stalking, false imprisonment, and violations of the Sex Offender Registration Act. There are significant safety measures within both state and federal law to protect the privacy of those persons who have samples stored within the CODIS database. The database does not contain personal identifying information. The testing does not diagnose or allow for the searching of medical information or the genetic predisposition of diseases. Access to the

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database is restricted to qualified DNA forensic scientists who are employed by CODIS participating laboratories and the release of information is tightly regulated and restricted. The purpose of LB106 is to harmonize a portion of the DNA Identification Information Act with federal law and our memorandum of understanding with the FBI who oversees the database as it relates to privacy and confidentiality. The clarification provided in LB106 assists the courts in issuing court orders that will not take the Nebraska State Patrol Crime laboratory out of compliance with federal law or our MOU with the FBI. This bill will not affect any MOUs that the Nebraska State Patrol has in place with private laboratories that allow us to take ownership of private, private laboratory cases for CODIS entry purposes. In closing, I'd like to thank you for the opportunity to provide testimony today, and I'd be happy to answer any questions you might have.

LATHROP: Very good. I do not see any questions, but we appreciate you coming down today.

JOHN BOLDUC: Thank you.

LATHROP: Thanks for being here. Anyone else here to testify in support of LB106? Seeing none, is anyone here to testify in opposition to LB106? Anyone here in a neutral capacity? Seeing none, Senator Dorn, we have no letters so you're free to close. Senator Dorn waives close. Thank you. We appreciate that, too. That'll close our hearing on LB106, and take us to our second bill of the day, which is LB369 and Senator Tony Vargas. Senator Vargas, welcome to the Judiciary Committee.

VARGAS: Thank you for having me. I don't know if I'm gonna waive closing or not yet. We'll have to keep that one open-ended. First, I want thank you all. This is gonna be my last bill introduction of the year. I know. Good afternoon, Chairman Lathrop, members of the committee. For the record, my name is Tony Vargas, T-o-n-y V-a-r-g-a-s. I represent District 7, the communities of downtown and South Omaha in the Nebraska Legislature. The technical aspects of this bill are as follows: LB369 would require any law enforcement agency that enters into an agreement with any other public agency to enforce immigration law to notify the governing body of the political subdivision at least 30 days prior to entering the agreement. The notice would then be placed on the agenda of the next regularly scheduled public meeting of the governing body. I'll speak a little bit about a situation where this occurred and why I believe it is

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imperative that we pass this bill. About a year and a half ago, the Dakota County Sheriff applied for a federal program known as 287(g). This program authorizes U.S. Immigration and Customs Enforcement, or ICE, to enter into agreements with state and local law enforcement agencies to allow officers to enforce federal immigration law. No one in Dakota County was notified about this action. Local community members found out the Dakota County Sheriff applied for the program as a result of a national article done on the huge increase in 287(g) applications where Nebraska was listed. Now this program fundamentally changes the way law enforcement interacts with the community potentially eroding trust between police and community members. It would make some of our most vulnerable Nebraskans unwilling to engage with law enforcement to report crimes, aid in investigations, and seek help in dangerous situations. Now aside from that issue, 287(g) agreements have consistently cost communities in other ways. They bring unnecessary risks and high costs. When a local law enforcement agency enters into 287(g) agreement it does so at its own cost. Agencies elect to take on costly additional work in reporting and the federal government does not provide any funding to address liability that may arise from violations of civil rights and immigration laws. Nor does the federal government provide funding for related enforcement efforts that may arise. For example, Prince William County in Virginia spent \$5 million more than anticipated in the first year of their 287(g) program. Alamance County, North Carolina which is a population of only about 150,000 spent \$4.8 million for just one year of its 287(g) program, and Harris County, Texas chose to end their program in February 2017 because it ended up costing an extra \$675,000 per year. Now conversely the Department of Homeland Security officers-- Office of Inspector General has estimated that ICE saves \$120 to \$250,000 dollars per year for every 202-- for every 287(g) agreement, because law enforcement agents then, quote unquote, perform similar functions to ICE officers at a local rather than a federal expense. Now should tax dollars be diverted to enforce federal immigration law? That's the question. I would argue that taxpayers have a right to know how their tax dollars are being spent. What they're being used for, and if they're being spent responsibly. And they should have the opportunity to have a voice in this process as well. We're all good? OK.

LATHROP: We're good.

VARGAS: Senator Pansing Brooks.

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LATHROP: We're all good. She's still getting set up, but--

VARGAS: OK.

LATHROP: --you can keep going.

VARGAS: All, all of that being said, LB369 does not prohibit anyone from entering into a 287(g) agreement or any other partnership with a public agency to enforce immigration law. LB369 merely states that if a local law enforcement agency or entity would like to do so they must notify the political subdivision and the public must have an opportunity to comment and react. I believe this level of transparency with our local law enforcement agencies is minimal, and it is the very least we should expect when facing a potentially harmful policy change. I'd also like to note that I've worked with NACO to remove some of their legislative concerns about the bill. They'll be here to testify themselves. One of the biggest concerns is the potential costs to counties if they were to be audited, because there's language in here that allows the audit that they may be able to audit in case that there is not a follow-through on this process and the language in the bill seemed too broad, and I wanted to, to provide some clarification that this would allow an audit of the law enforcement agency for any reason. And I made it clear-- I wanted to be clear here on the record that my intent is that these audits be limited to the information that should be made available to the public specifically about these agreements with federal agencies to enforce immigration law. So the potential audits should be very narrowly focused and not at all cost prohibitive to any government subdivision. That's the intent. I urge the committee to support LB369 and advance it to General File. And the only thing I gonna say here, there's a lot of different ways that this could be drafted. I drafted this particularly because I wanted to make sure that I'm not telling the county whether or not they should or should not engage in a 287(g) agreement. That's gonna be left up to the county or the city and municipality. What I'm saying here is that if that is something that is gonna happen, shouldn't taxpayers and our community members and our neighbors be able to have a voice in saying whether or not they want that change? Shouldn't that be open and should be afforded that opportunity? And hopefully you'll support me in that. With that, I'm happy to answer any questions. Thank you.

LATHROP: Senator Brandt.

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BRANDT: Thank you, Chairman Lathrop. Thank you, Senator Vargas, for bringing this bill. Was Dakota County the only county that did this in the state of Nebraska? And do you know what their reasoning was?

VARGAS: Thank you very much, Senator Brandt. Yes, Dakota County's been the only, the only municipality that has done this agreement. I cannot speak to their reasoning, but I would imagine that if we had a bill like this we would have the reasoning and record as to why it's important and that people like yourselves and your neighbors would be able to weigh in on whether or not it's the best use of taxpayer funds.

BRANDT: Well, it just--

VARGAS: So the answer is, no, I don't know the exact reason as to why they, they entered into the agreement.

BRANDT: If I'm viewing this wrong, it just seems like we're double-dipping. If we have an immigration service now, why is the county sheriff taking on this role or, or another law enforcement agency? It just seems like it's redundancy.

VARGAS: Yeah.

BRANDT: OK, thank you.

VARGAS: Thank you for saying that.

LATHROP: It's actually different than that. It's somebody assuming responsibility for ICE's role. ICE saves money and the local community ends up paying for it.

VARGAS: Yeah, so actually to clarify, it's not duplicative because those specific purview of what they're tasked at being doing wasn't under their purview to begin with. So, yes, federal immigration and ICE is saving money by entering into these agreements. And one of the reasons why this matters to me, again from somebody that's a taxpayer and from everybody else in this room as a taxpayer, is if there was-- as an appropriator, when I find out that there is an agency and when they ask us to then say they need enough funds to be able to do something then two years later they tell me, well, we didn't really need that person. They actually had about a point-- they had a-- we had an FTE to do some task and now they come back two years later and we say that that they actually needed a .5 FTE, they needed a half a person to then do that work. And so in this scenario I want you to

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imagine that that's what they decided to do. They-- these officers I'm assuming or some county sheriffs have more time to then do extra work that is not their work that concerns me as a taxpayer. But again, I believe people should have the choice in their municipalities-- constituents to weigh in on whether or not they want their public dollars-- taxpayer dollars to be used on this. Thank you.

LATHROP: OK, I don't see any other questions. Thanks, Senator Vargas.

VARGAS: Thank you.

LATHROP: Appreciate your introduction. How many people are here to testify in favor? If you want and if you don't mind, if you can come up to the front row so we can keep the on-deck row filled. That helps us keep the hearings moving along and we'll take the first proponent.

LAZARO SPINDOLA: Good afternoon, Chairman Lathrop and members of the committee. Thank you for receiving me today. For the record, my name is Lazaro Spindola. That would be L-a-z-a-r-o S-p-i-n-d-o-l-a, and I am the executive director of the Latino American Commission and I'm also testifying on behalf of Nebraskans for Peace. I'm here in support of LB369. And I wish to thank, Senator Vargas, for reintroducing it. As you have heard that Dakota County Sheriff signed an MOA with ICE to enter the 287(g) program in January of 2018. After the decision was made and the MOA signed, over 50 Dakota County businesses, the Winnebago Tribe, and more than 600 citizens announced their opposition. In Dakota County, 50 percent of the population is Hispanic. The Dakota County Jail has 129 beds and the average daily population is 88 inmates. That's a 68 percent occupancy rate. According to the sheriff, 15 percent of the inmates have some type of immigration violation and they cost an average of \$70 per day. This means 13 immigration violation inmates or \$910 per day which comes to \$332,000 per year. Under the agreement ICE would pay for this. However, the county is expected to pursue to completion of criminal charges that caused the alien to be taken into custody before beginning to pay. The after the fact reasons given by the sheriff were as follows: his county is broke and cannot afford new uniforms or offer raises to his staff. However, if you look at the MOA, pages 5, 6, and 7, you will see that the county is responsible for personnel expenses including, but not limited to, salaries and benefits, local transportation, and official issue material. It is also responsible for the salaries and benefits including overtime of all the personnel being trained or performing duties under this MOA and of those personnel performing the regular functions of the parctici--

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participating personnel while they are receiving training. The county will cover the cost of all personnel's travel, housing, and per diem affiliated with the training required for participation in this MOA. Nevertheless, ICE would be willing to pay for these expenses provided that they decide to do so if they believe that this falls within the scope of federal government activities. The county must also provide all the necessary interpreting services. On a March 27, 2019 interview with the Dakota County Star, the sheriff said, the federal government will pay for training, lodging, and transportation. The only cost for the county will be covering the overtime of those who are absent. However, he forgot to mention salaries and benefits, local transportation, and official issue material, and the government will pay the previous costs if and only if it decides to issue travel orders. At the end of the day, the county jail will still have 41 empty beds on a daily basis. If the immigrant is to be treated as a commodity, the shelves in the supermarket need to be filled with the product or in this case the beds of the jail need to be kept full. Forty-one beds plus the current 13 beds would amount to one and a half million dollars per year. The urge to keep those beds full open-- full opens the door for civil rights violations and racial profiling. I believe the people of Dakota County and Nebraska have the right to know all the facts behind this type of decision. I therefore urge you to advance LB369.

LATHROP: Very good, thank you. I don't see any questions today, but thanks for being here.

LAZARO SPINDOLA: I have a copy of the MOA if you would like it.

LATHROP: OK, if you want to give it to the page we can have copies made and, and passed around. Do you need that copy back by the way?

LAZARO SPINDOLA: No.

LATHROP: OK, thank you very much for your testimony. Good afternoon.

CRISTINA LOPEZ: Good afternoon. Good afternoon, Chairperson Lathrop and honorable members of the Judiciary Committee. My name is Cristina Lopez, L-o-p-e-z. I resided and went to church in Dakota County until December 2018 and I still have family and friends who reside there. Prior to working at Immigrant Legal Center in Omaha, I worked in Dakota County in a grassroots organization named Unity in Action. I come before the committee today on behalf of my firm Immigrant Legal Center, a nonprofit firm that serves clients across Nebraska to speak

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in, to speak in support of Senator Vargas' bill LB369. As I previously noted, I was a community organizer in Dakota County. It was during this time that our local sheriff sent in an application and was approved to enforce 287(g) in the jail. I come before-- I came before the committee last year in support of Vargas' previous bill, LB1082, and I'm here before you once again because I believe and I support the basis of this bill. In communities across the country programs such as 287(g) bring credible fear, concern, and distrust of law enforcement to its community members. If community members are afraid to report crimes, perpetrators will go unpunished making Nebraska less safe. I witness fear-- this fear firsthand as I was working with community members in Dakota County. LB369 is not going to diminish the fear or the concerns of the community but it will give each community the opportunity to hear and ask questions of their elected officials prior to entering into agreements. It's easy to say that reactions to this program are an overreaction, yet not take the opportunity to speak to those who are afraid or concerned. LB369 gives the community the right to hear about programs that will affect their livelihood, their tax dollars, and their communities. In Dakota County, we did ask our sheriff to speak to his community prior to signing and he verbally agreed, yet he never met his promise. To this date, there has not been any sort of open communication with the general public about this agreement from the sheriff. It has been approximately a year and the only means of understanding this program has been through local media reports and advocacy efforts. That is where LB369 can make a difference. It would allow communities to have the right to hear from their elected officials. In addition, it would keep jails and elected officials accountable in complying with requirements and making sure that every Nebraskan lives a community-- in a community that does not suppress them. Every community member deserves and has the right to know where their county tax dollars are going and what elected officials are doing in their communities. When programs with such on--ominous reputations come into our communities they cannot be followed with silence. I would like to thank you for listening and I'm here to support this legislative bill as a concerned Nebraskan. But I'm also here speaking for those community members who are too afraid to speak and are being overlooked and ignored. Every community, every Nebraskan deserves to be listened to and spoken to. If you have any questions, I'd be willing to take them at this moment. Thank you.

LATHROP: Ms. Lopez, I don't see any, but thanks for coming here today.

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CRISTINA LOPEZ: Thank you.

LATHROP: Appreciate your testimony. Good afternoon.

OLGA GUEVARA: Good afternoon, I'm here to support LB369. My name is Olga Guevara, G-u-e-v-a-r-a. Chairperson Lathrop and committee members, I work for Unity in Action, a 501(c)(3) organization with a mission to empower Latino community members through education, training, and civic engagement, as well as advocacy efforts in Dakota County, Nebraska. I want to thank fellow members of the committee for this opportunity to speak to you about bill LB369. I come here today to convey to this committee the real life stories of community members in Dakota County. In recent months and through communication-- community conversations, I have heard stories of great mistrust, fear, and apprehension towards our local law enforcement officials after our county instituted a 287(g) agreement. I'm here today to tell you about the parents who are too afraid to drive their children to school and would much rather walk in the cold because they are afraid of getting pulled over by law enforcement. I'm also here today to tell you about the mother who is desperately wanting to get her teenage daughter a driver's permit so that this young lady can be the family's designated driver simply because at this time that is a safer alternative. This is a mother who has lived in Nebraska for many years and contributed to her community in many ways through work and volunteerism. I also want to tell you about the time that a distressed father and his son were approached by law enforcement and were asked for proof of legal status when their vehicle broke down in the middle of the road. I also want you to know about the local-- the many local businesses who are economically impacted when fears are at their peak because people are too afraid to shop locally. These are the real-life stories of fear and anguish that policies like 287(g) create in our communities. Far from deterring crime, they create the perfect climate to conceal criminals because people would much rather stay quiet before calling law enforcement to report a crime. For these reasons, I urge you to, urge you to pass bill 3-- LB369 so that individuals can be included in public discussions before such policies harm entire communities. Thank you. I'll take questions at this time if you have any.

LATHROP: I don't see any questions, but thanks for being here. I appreciate your testimony. Good afternoon.

SCHUYLER GEERY-ZINK: Good afternoon, Chairman Lathrop and--

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LATHROP: Would you mind doing something for me before you testify? Can you pull that mike a little bit closer? I'm having a little trouble hearing today and-- better, thank you.

SCHUYLER GEERY-ZINK: Thank you, Senator Lathrop and committee members. My name is Schuyler Geery-Zink, S-c-h-u-y-l-e-r G-e-e-r-y hyphen Z-i-n-k, and I'm a staff attorney with Nebraska Appleseed. We are testifying in strong support for LB369 because this bill would help local law enforcement departments build trust in local communities, increase transparency, and keep taxpayer costs down. When local law enforcement take on the added burden of serving as immigration agents, it affects us all by undermining community policing and the ability to protect public safety. When some members of the community fear contacting police to report crimes or assist with investigations then police can't do their primary job of protecting public safety. As one police officer put it, we can drive around in our cars all day, but if no one will talk with us we can't fight crime and keep the community safe. Many Nebraska law enforcement officials have testified here at the Unicameral about the importance of keeping immigration and local law enforcement roles separate so that local law enforcement can do their primary job of fighting crime and keeping communities safe. Agreements such as 287(g) impose great burdens on state and local governments to fund the program and waste taxpayer money. Localities pay the majority of the costs and ICE only covers partial costs associated with the training itself. Most local governments face price tags into the millions of dollars after entering into 287(g) agreements with ICE. For instance, as Senator Vargas mentioned, Prince William County, Virginia faced a cost of \$6.4 million in its first year which forced a property tax hike and they had to dip into their savings fund in order to pay for the program. In an April 2009 report, the Police Foundation concluded that the costs of participating in the 287(g) program outweigh the benefits. In Nebraska Appleseed, we just sent an open records request to the Dakota County Sheriff because of this lack of transparency and accountability with the community. Studies show that half of people detained under these programs were only ever charged with traffic or other minor violations and that the program harms community trust and crime-fighting capabilities, imposes significant costs on local law enforcement agencies, exposes local governments to lawsuits surrounding constitutional issues and incentivizes law enforcement to racially profile. Given the risks to local communities of these programs, this bill would simply ensure that before such an important decision is made the local community is informed and has the opportunity to have a local conversation about

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these issues. For these reasons, we strongly urge the committee to advance LB369. Thank you.

LATHROP: I don't see any questions for you today, but thanks for being here. Good afternoon.

ROSE GODINEZ: Good afternoon, my name is Rose Godinez, spelled R-o-s-e G-o-d-i-n-e-z, and I am here to testify on behalf of the ACLU of Nebraska. We thank, Senator Vargas, for introducing this legislation. Additionally as a daughter of immigrants, I personally thank him. LB369 comes before you at a crucial time as the Dakota County Sheriff's 287(g) agreement with the Department of Homeland Security is up for renewal this June. This agreement was signed into effect on January 16, 2018. However, the Dakota County Sheriff applied to that program five months prior and did not alert the community whatsoever. The community ended up learning about the 287(g) agreement until three months after he had applied. Since that date, as you have heard, the sheriff has not met with the community publicly. The sheriff signed the agreement despite our opposition as well as our local partners Unity in Action, Nebraska Appleseed, the Immigrant Legal Center, dozens of Dakota County businesses and the Winnebago Tribe. To give you some context as to what these agreements entail and what's contemplated through this bill, a 287(g) jurisdiction gives the local sheriff to-- the authority to enforce federal immigration law outside of their expertise. Specifically, the sheriff's officers will be able to start immigration investigations and deportation proceedings for individuals they detain regardless of the charge. So just to contrast that within a jurisdiction that does not have 287(g) programs, they are able to arrest people for criminal violations. With a 287(g) jurisdiction you are able to do it for civil immigration violations. The program has a reputation across the country of bringing with it a host of potential problems including increased racial profiling, higher taxes, and an increase in public safety risks. We support LB390 [SIC] because without it, communities like Dakota County are left in the dark as to whether their tax dollars are being invested where, where it matters, as to whether they or their family members will be racially profiled, and whether the neighbors-- their neighbors will report crimes even though they themselves are risking deportation. All in all, LB369 ensures that we continue Nebraska's tradition of transparency, open government, citizen engagement, and civilian oversight for important governmental functions like that of jails and

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law enforcement agencies. And for those reasons we urge you to advance this bill to General File.

LATHROP: OK, Senator Pansing Brooks has a question for you.

ROSE GODINEZ: Sure.

PANSING BROOKS: Thank you for coming, Miss Godinez. I'm glad you're here and I'm also glad to see so many members and supporters of this bill here.

ROSE GODINEZ: Thank you.

PANSING BROOKS: We worked with all of-- many of them previously on issues of great import to the communities of immigrants. And I'm, I'm pleased to see so many friends again. So when I look at this bill and you talk about the constitutional protections, generally we don't want to leave constitutional protections up to a vote of the people. So can you talk about that just a little bit?

ROSE GODINEZ: That's exactly right, Senator Pansing Brooks. We don't leave constitutional issues either at the ballot box-- we don't leave it up to one person including the sheriff at this point. As you've heard from previous testifiers, many lawsuits have been brought due to these constitutional violations. We've heard those same stories where someone has stopped and racially profiled and then asked about citizenship or immigration status when that is not a part of, of normal protocol.

PANSING BROOKS: Good, thank you. And, again on, on the DACA and the driver's license issues, this Legislature has stood with immigrants and we're, we're pleased to continue. We want you here, we want you working here. We want you to stay in Nebraska. Thank you.

ROSE GODINEZ: Thank you.

LATHROP: OK, I think that's it. Thank you--

ROSE GODINEZ: Thank you.

LATHROP: --very much for your testimony. Good afternoon.

RAUL ARCOS: Good afternoon. Thank you for allowing me to testify. My name is Raul Arcos, R-a-u-l A-r-c-o-s and I live in Nebraska-- Grand Island, Nebraska, and I'm here to support LB639. One of the things

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that I want to talk about is the-- how transparency and trust-- builds trust. And this is the reason why LB369 is important for communities in Nebraska. I myself am a DACA recipient and I thank Nebraska for the opportunity for allowing me to have a driver's license. What would happen if-- without LB369 [INAUDIBLE] if this legislation was not allowed? I had a previous experience in one of the counties particularly that is not fair to immigrants. I got pulled over by a sheriff. I was never told why I was pulled over. I was handcuffed and put behind the patrol car. I had my license, my registration, and my insurance information ready. At nowhere did-- was I told-- what would happen if-- to-- if this is not passed, I probably would have gotten put in jail and probably in deportation proceedings had I not asked why was I being detained. It was hard for me sitting there behind the police car and trying to figure out why that was happening. Only after they realized that my car was not stolen-- if they had taken my driver's license insurance card and registration, I think they would have realized that whatever report of my car being stolen would have been false. I did get an apology later on. It wasn't that day, only after I sent a letter to the sheriff's department asking why this had happened. But that's something that we need to start doing is building that trust between law enforcement and immigrant communities. In Grand Island right now, I have a group of young people who are gonna be working with Grand Island Police Department on building trust within those immigrant communities. And this is part of the reason why I'm here today. We also need transparency in our elected officials, that if they have any intentions of enacting agreements that would affect our communities that we live in. We currently are living in a political climate that fear-- where fear test-- tactics are used on a daily basis. And this is not the Nebraska way. And I've lived here for about 30 years and that's more than my, my lifespan so far. We need to build trust within our communities and that only comes with being transparent. I think it's important to be transparent on how our government is ran and how these agreements are made. The public should be notified when these agreements are made to have an honest conversation to build trust among community members in those specifically that would be impacted with these agreements. I want to thank you and ask you for your support for LB369. Transparency is the only-- is the best policy to ensure to build trust within our communities creating an even healthier and safer Nebraska because that is the Nebraska way and that's the only way I know. Thank you.

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LATHROP: Very good. I do not see any questions, but thanks for being here today--

RAUL ARCOS: Thank you.

LATHROP: --your testimony. Good afternoon.

TOM VENZOR: Good afternoon, Chairman Lathrop and members of the Judiciary Committee. My name is Tom Venzor, T-o-m V-e-n-z-o-r, and I'm the executive director of the Nebraska Catholic Conference which advocates for the public policy interests of the Catholic Church by engaging, educating, and empowering public officials, Catholic laity, and the general public. And here today to express support for LB369 on behalf of the Conference. The Catholic Church recognizes the right of a country to regulate its borders and to control immigration. As USCCB has noted, we should not view the work of the federal government's immigration control as negative or evil. Those who work to enforce our nation's immigration laws often do so out of a sense of loyalty to the common good and compassion for poor people seeking a better life. But such enforcement must be done in light of the common good and should adequately balance the need for justice and mercy. The Nebraska Catholic Conference believes that LB369 provides a reasonable balance to local enforce-- local immigration enforcement agreements by ensuring that a local governing body received notice from the law enforcement agency regarding the agreement. This would permit for greater discussion within the local community regarding the public safety implications of an enforcement agreement. In particular, the Nebraska Catholic Conference would raise concerns with these local enforcement agreements especially to the extent that they have the ability to undermine the trust between immigrant communities and local law enforcement. This could decrease the willingness of undocumented immigrants from reporting crimes or other public safety concerns to local law enforcement. By providing a notice and hearing process for immigration enforcement agreements, the local community will better be able to determine the need and assess the public safety effects that such an enforcement agreements have for the immigrant-- for the immigrants against whom they are directed. For this reason, we respectfully urge you to support LB369. Thank you for your time.

LATHROP: Good. Thanks, Mr. Venzor, appreciate--

TOM VENZOR: Thank you.

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LATHROP: --the input from the Catholic Conference. Anyone else here to testify in support of LB369? Anyone here to testify in opposition? OK. How many people intend to testify in opposition? If you don't mind coming up to the front row so we can keep the hearing moving along. That would be appreciated, thank you. Welcome once again, Colonel.

JOHN BOLDUC: Thank you, Mr. Chair-- Committee Chair Lathrop, members of the Judiciary Committee. My name is Colonel John Bolduc, J-o-h-n B-o-l-d-u-c, superintendent of the Nebraska State Patrol. I'm here today to testify on behalf of the Nebraska State Patrol in opposition of LB369. I want to make it very clear, I am not here to defend 287(g), LB369-- but I am here, Mr. Chair to talk about the unintended consequences of this bill as it's currently written. LB369 places requirements on the Nebraska State Patrol that would unquestionably serve to delay and impede us from providing any other public agency with immediate assistance in enforcing federal immigration law. Cooperation with federal law enforcement agencies is a critical component towards the completion of our mission. We currently cooperate with federal agencies on issues involving human trafficking, labor law violations, firearms, the distribution of child pornography, and many other serious criminal matters preventing us from quickly collaborating with our federal law enforcement partners upon request for assistance it is not conducive to efficient enforcement of the law, nor is it conducive to keeping Nebraska citizens safe. There may be instances where a federal agency requires the immediate assistance of our agency and 30 days advance notice simply isn't feasible. Violations related to immigration law are frequently entangled with other criminal activity. Therefore, immigration law may not be the sole consideration within an agreement. Human trafficking investigations, for example, may have an immigration law component. These investigations can develop quickly and require a nimble law enforcement response in order to protect human life. Under LB369, there is no mechanism by which we could comply with the notice requirements and simultaneously fulfill our public safety duties in instances that require a quick response. LB369 does not define what constitutes an agreement under this proposed legislation. If LB369 were adopted as currently written, it is unclear as to whether providing assistance in the apprehension of an illegal immigrant upon a verbal request from the Department of Homeland Security would amount to an agreement under the proposed language. Additionally, it is important for the committee to consider that some agreements are entered into in support of operations that would be jeopardized by advanced publication, thereby effectively obstructing law enforcement

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action. In closing, I want to thank you for the careful considerate-- consideration of the information I have provided as well and the opportunity to testify today. I'd be happy to answer any questions. And further, I would offer that I'd be happy to meet with the bill's author to further discuss some of our concerns.

LATHROP: Senator Pansing Brooks.

CHAMBERS: Would you give me an example where you specifically enforce federal law where that becomes your job?

JOHN BOLDUC: Well, certainly on a daily basis we make a number of arrests wherein narcotics violations are charged under federal law. There are also many statutes that are, are duplicative in the state system as well as in the federal system. But the decision is often made depending on the circumstances to prosecute those in federal court.

CHAMBERS: When you are operating are you operating as an arm of the Nebraska government?

JOHN BOLDUC: Yes, Senator.

CHAMBERS: What law authorizes you to enforce federal law? Is there a law? Because I'm not aware of it. So you say you use this, I'd like to know what law is on the books that authorizes the Nebraska State Patrol to enforce federal law. We're not talking about cooperating in an investigation. This says if you're going to enter an agreement to enforce federal law. And you do, you do now-- are you telling me enforce federal law?

JOHN BOLDUC: Yes, Senator, we do.

CHAMBERS: So if an activity is a violation only of federal law and not Nebraska law, you would enforce that because it's a matter of federal law?

JOHN BOLDUC: Well no, Senator, that would be a very rare circumstance.

CHAMBERS: Whether it's rare or not is not the point. I want to know if you enforce a federal law-- it's not a violation of Nebraska law. Nebraska--

JOHN BOLDUC: Certainly.

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CHAMBERS: --law or federal are not coextensive. They are different.

JOHN BOLDUC: Yes, sir.

CHAMBERS: There are offenses under a federal law which are not offenses under Nebraska law. And you are telling me right now that you enforce federal law. I just want a yes or no so I can look into it further.

JOHN BOLDUC: So the answer is, yes, and I can give you some guidance on where you might want to look.

CHAMBERS: OK.

JOHN BOLDUC: Under the Federal Motor Carrier Safety Act, we enforce transportation laws every single day. And those, those are federal laws.

CHAMBERS: I still want to know where something is not a violation of state law that you have agreed to enforce it for the federal government.

JOHN BOLDUC: Well, Senator--

CHAMBERS: You keep repeating. I think it's clear what I'm asking--

JOHN BOLDUC: OK.

CHAMBERS: --isn't it?

JOHN BOLDUC: Yes.

CHAMBERS: Then, then I don't have any other questions of you.

JOHN BOLDUC: Thank you, Senator.

LATHROP: Do you have questions?

PANSING BROOKS: Yeah, so--

LATHROP: Senator Pansing Brooks.

PANSING BROOKS: Thank you for coming, Colonel.

JOHN BOLDUC: Thank you.

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PANSING BROOKS: I was wondering if-- so did you work with the-- with Senator Vargas prior to coming today?

JOHN BOLDUC: No, Senator, I did not.

PANSING BROOKS: OK, that's sometimes helpful to do so.

JOHN BOLDUC: Understood.

PANSING BROOKS: I'm just wondering because it seems like if there were an issue that could have been dealt with earlier it would have been really positive and we could have handled that sooner. So does this cover trafficking cases? Does the agreement cover human trafficking cases? Because some of those laws are federal so I'm trying to figure out--

JOHN BOLDUC: Right.

PANSING BROOKS: --how that all fits into it, too.

JOHN BOLDUC: Well, every agreement is, is different, OK. And so that one of our challenges, is it in this proposed legislation agreement is not defined. So let's look at one that garnered a lot of attention in our state was the operation which resulted in several convictions up in O'Neill. And there was a lot of consternation about that, understandably so. That was a human trafficking operation. And that was a mission to enforce, arrest, and search warrants signed by a federal judge in assistance of that operation. Now that started as a human trafficking and if you have seen some of the guilty pleas that have already been obtained in that, those, those were violations of a number of federal laws.

PANSING BROOKS: OK, so you, you spoke really quickly about publicizing the request. Could you talk about that again?

JOHN BOLDUC: Could you repeat the question, Senator?

PANSING BROOKS: You, you talked really quickly I felt about publicizing that request so I was just trying to--

JOHN BOLDUC: Oh, certainly.

PANSING BROOKS: --have you repeat what you were saying.

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JOHN BOLDUC: So you know, in the event-- and again, within the parameters of the, the law is written-- the proposed law, if there is a need to have a meeting and talk about whether or not we're gonna cooperate or make an agreement, that could be counterproductive to what we're trying to accomplish. Again, let's go back to the human trafficking case in O'Neill, if we had, if we had to seek permission to cooperate with the federal authorities in that case from any government body the cat's out of the bag. OK. And obviously the suspects are-- you know, they're gonna be on onto us and they're gonna stop doing the criminal activity, get rid of evidence, or leave. You know, so those are the type of things-- and again, we're not talking about 287(g) in that context, we're talking about agreements, what constitutes an agreement.

PANSING BROOKS: I think-- I, I mean, if you have some sort of memorandum of understanding it seems like there ought to be some best practices out there about what does constitute an agreement. Do you agree?

JOHN BOLDUC: I certainly do agree. And if some language were adopted along these lines it should be clearly spelled out in statute because if for a federal agency to call and say, we need some resources to help with execution of a search warrant signed by a judge. Is that an agreement? I don't believe it is. If it's an MOU, like 287(g) to enforce some specific element of federal law, certainly that's an agreement. That's an, that's an MOU. That's a different story. That's not we're talking about here.

PANSING BROOKS: OK. All right, thank you, Colonel.

JOHN BOLDUC: Thank you.

LATHROP: Just to clarify and maybe not to put too fine a point on it but your, your concern is Section 2(1)(a), which is what we-- what we're talking about-- what, what kind of an agreement are we talking about is something that's done on the fly, which is we're about to go in and pick somebody up in O'Neill for--

JOHN BOLDUC: Yep, that's--

LATHROP: --human trafficking of undocumented folks.

JOHN BOLDUC: Yes, Mr. Chair, that's one of my concerns.

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LATHROP: If it were limited to these particular-- whatever the number is, 287(g) type understandings where a community's entering into an agreement to be sort of ICE's stand in, in that community, would you have a problem with the bill?

JOHN BOLDUC: Personally, I would not.

LATHROP: OK, so it's just about tightening up that-- what, what do we mean by an agreement language?

JOHN BOLDUC: Yes, Senator. As I, as I testified, the unintended consequences as currently written.

LATHROP: OK, I think we get your concern. We appreciate your clarification of that concern, and I don't see any other questions, so thanks for being here.

JOHN BOLDUC: Thank you, Senator.

LARRY STORER: Good afternoon, ladies and gentlemen.

LATHROP: Good afternoon.

LARRY STORER: Well, I certainly do respect our law enforcement people. I do not respect this law-- this bill.

LATHROP: Let's have your name please.

LARRY STORER: Larry Storer, S-t-o-r-e-r, at 5015 Lafayette Avenue, Omaha, Nebraska, District 8. Even in your own state constitution it says, we will honor the United States Constitution and the state of Nebraska Constitution. My understanding of the constitution, either one, is that federal law, if it's a law-- if it's a valid law, we honor that and it is supersedes all else unless you can take it to trial and find something wrong with whatever the enforcement problem was. And I, as a citizen, expect my constitutional officers which you are all sworn to also do to protect me. I'm a citizen. I am a taxpayer and I'm an elector of the state of Nebraska. And I take a lot of offense to this bill saying we are going to hamstring the enforcement of laws. Now I can't imagine being a law enforcement person that has to wait 30 days or 60 days before I can enter into an agreement. No, I don't know what-- you, you need to explain what these agreements are. Because a basic agreement is we will enforce the laws. And one of the laws in the state Nebraska is that we will not pass special laws particularly ones that maybe discriminate against me. Nobody's gonna

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not arrest me if I'm speeding. They're not gonna not pull me over if I'm suspected of drugs. But yet you're parading people here today that are maybe possibly here illegally and you're gonna give them special privileges over and above what I have, over what-- over and above what the citizens behind me have. This is wrong. You need to stop this bill. You need to honor your constitution and the, the federal constitution. That's your sworn duty. If you don't want to do that you should resign. Thank you.

LATHROP: Thank you, Mr. Storer. I don't see any questions. Good afternoon.

AMBER PARKER: Good afternoon. This is-- there's so many bills, there's over 700. First of all, my name-- I'm sorry, is Amber, last name Parker, A-m-b-- I'll start with last name Parker, P-a-r-k-e-r, first name Amber, A-m-b-e-r. So I was reading through Senator Vargas legislation and I just-- I would like to, to read the concerns that I have once hearing this for the first time here today Section 2, "Beginning September 15, 2019, a law enforcement agency or jail shall, before becoming a party to an agreement with any other public agency to enforce immigration law or to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes pursuant to such agreement, notify the governing body of any political subdivision overseeing such law enforcement agency or jail, in writing, at least thirty days prior to entering into such agreement. The notice shall be filed with the governing body and the governing body shall include the notice in the agenda of subjects of the next regularly scheduled public meeting of the governing body." I see a trend here and I'm concerned about it. I see a national division against ICE and I am gonna speak in a lot of area and I'm gonna be bold about my ignorance. I don't work for the Homeland of Defense, or Secretary of State, United States Department of Defense. The point being that we have to make sure we're not cutting off the arms of law enforcement in our state. They're here to protect and serve. And I do understand that some people have had negative things, but there's more positive. And I think we need to focus on that positive. And I, I do want to have on the record, Senator Pansing Brooks, thank you for fighting against sex trafficking. Thank you so much. We need that. And when I read this bill and I want to talk to everybody in this room and say, you know, one thing we can agree on is we want safety and we want protection. We don't want anyone to have bodily harm done to them or increased hate or racism. But what I want to say is, let's put that aside and look at it and let's take and look at our, at our law

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enforcement and the position that they're in, in risking their lives every day. You know a traffic violation could actually end up being sadly some state patrolman or a policeman or woman's last day that they never got to come home and, and to their family. The reality is when we are creating legislation like this we need to look at the arms and the foundation and the principle of what our goals are and what we're going to do. Number one, when we are here in the United States legally we are covered. We have a governing law. The Constitution of the United States of America and it protects us. And that's something that's really important because if you're not here illegally then what governing law do you have over you. And on a legal perspective, and I'm not an attorney, but what governing body would come and, and protect somebody that wouldn't be here in that area. But going back to ICE in those areas, we have some really bad people. We have good people and we have really bad people. And what we need to focus on is what we can do to strengthen our law enforcement so that they can work together. Our state patrolmen and law enforcement, they have ves-- excuse me, tools at their dispense and so does ICE. They have different tools. And the two working together can make it better. When you are putting things on hold and bringing public awareness and announcements, sometimes the very people have time to run. And I appreciate that, that state-- the State Patrol is-- you know, coming in and standing-- oh, I'm sorry, I didn't see my, my light. So--

LATHROP: OK, thanks for your thoughts, Miss Parker. I do not see any follow-up questions for you today.

AMBER PARKER: OK, my apologies again, I did not see that light. Thank you.

LATHROP: Thank you for being here. Anyone else here to speak in opposition to LB369? Anyone here to speak in a neutral capacity? Good afternoon.

ELAINE MENZEL: Good afternoon, Chairman Lathrop and members of the Judici-- Judiciary Committee for the last time this year. My name is Elaine Menzel, E-l-a-i-n-e M-e-n-z-e-l. I'm appearing here today on behalf of the Nebraska Association of County Officials in a neutral capacity. As Senator Vargas testified, we have worked with him on some of the issues which we identify which are of potential concern certainly recognizing the prior testifiers as being compelling testifiers and the concerns we had were primarily minimal in comparison, certainly. One of those relates to the record that would be required to be presented to the Crime Commission and, for instance,

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counties at this time don't do transcripts. So I believe Senator Vargas will talk later about the discussion he'd had with our boss and then also he has further identified the audit provision which just want to express appreciation to him for working with us on these issues. So I would be glad to answer any questions if you have any of me.

LATHROP: I don't see any, but I-- we always appreciate when folks who have a concern about a bill talk to the sponsor and try to work it out. And so thank you for doing that. I'm sure Senator Vargas appreciates it as much as the committee does.

ELAINE MENZEL: We, we certainly try to do so. So thank you for those comments.

LATHROP: Yeah, you bet. Thank you. Anyone else here to speak in a neutral capacity on LB369? Seeing none, Senator Vargas to close. And as you approach, we have two letters of support: one from Marcia Blum, with the National Association of Social Workers; another from Paul Romero III, at OTOC. And two in opposition: one from Donn and Judith Williamson; and Ron and Lynette Nash. And with that, Senator Vargas, you may close.

VARGAS: Thank you. Thank you very much, Chairman Lathrop members of the committee. I'm gonna pass out-- this is the amendment that was referenced. It's basically we're gonna work with NACO. We've worked with NACO to then address some of their concerns clarifying some language and this is what, what she just referenced on striking certain aspects so that we're making it work for municipalities so this would strike lines 7 through 10 and then insert, "A written copy of minutes of any public meeting pertaining to the agreement" as opposed to the what she said the-- what is cross-- cost prohibitive, and so that addresses that concern. And should we continue to move forward, we'll talk a little bit more about a couple, couple of different other amendments. But I wanted to share this with you and I appreciate NACO. Two things: one, it is our-- not our intention to impede any, any work-- existing work or the ability of the authority for our state government to pursue things having to do with sex trafficking enforcement. I want to make that very abundantly clear, and-- you know, I, I appreciate the State Patrol for helping us clarify that. We're more than willing, willing to work-- and I know, Chairman Lathrop, you mentioned this to narrow the language so that we're further defining what an agreement is, we can work to do that. That's, that's definitely a good, a good way forward. And so I thank

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the State Patrol for that. We look forward to working with them on that. And it could be a little bit more on the MOU language. We can, we can talk about what that actually looks like. I also want to thank all the testifiers today. And I'm pausing because it is-- I don't know if the word's irony, maybe the, the irony is we had a very open dialogue today. We had the dialogue because we were able to. This bill is about having a dialogue. These agreements happen without a public dialogue and without people like yourselves elected, being able to weigh in and decide if this is something that we want to do. Not whether or not it's right or wrong, not whether or not it's best for the community or not, I think we heard that some people feel like it is not the best of intention. The reason why they support this bill is because of the transparency aspect and the accountability that we can have the dialogue openly and there is some discourse that can lead to a decision being made by an elected body. People that are meant to hold others accountable. I'm just really encouraged that we were able to have that and I hope that when this bill can go through-- when and if, that others will have that same ability to have a dialogue on whether or not they want a 287(g) agreement or in a similar type of agreement than be it forced in their community. So with that, I want to thank you. Again, we're looking forward to working on a couple of different amendments. And for those that were on the committee last year, this isn't a new concept. We brought this bill last year. I was really happy that this bill came-- this current version of the bill did get out of committee last year with no opposition. All votes, yes. But what we do is we work on things to make sure they work better so we will continue doing that. And I look forward to working with members of the committee and others that testified on this. If there's any other questions.

LATHROP: Senator Chambers.

CHAMBERS: Senator Vargas,--

VARGAS: Um-hum.

CHAMBERS: --for the record-- because I probably didn't make myself clear when I was talking to the head of the State Patrol. You're not talking about a specific investigation, but you're talking about a formalized ongoing relationship with reference to a specific area of federal law enforcement. Is that correct?

VARGAS: Yes, that's correct. So-- and I guess that's to the intention we, we will want to work to then clarifying that formal relationship

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or formal agreement because that is really what we are trying-- that's the intent. And it would-- it does state in Section 3 that we don't just say that this is an agreement, that it's an agreement with any public agency to do the following: enforce immigration law, investigate, interrogate, detain, detect, or arrest persons for immigration enforcement pursuant to such agreement. And we can further clarify what the word agreement means.

CHAMBERS: Thank you, I wanted that clear for the record. It was clear to me,--

VARGAS: Um-hum.

CHAMBERS: --but for the record. Thank you.

VARGAS: Thank you very much, Senator Chambers.

LATHROP: Very good. I don't see any other questions for you, Senator Vargas. Thanks for bringing this bill forward. It's--

VARGAS: Thank you very much.

LATHROP: --good conversation today. That will close our hearing on LB369, and bring us to LB502, and Senator Hunt. Good afternoon, Senator Hunt, and welcome once again to the Judiciary Committee. How many people intend to testify on this bill, for or against? OK. We-- I-- the reason I ask that is so we can alert the next introducing senator-- give him some idea so that you should give you some idea. And once again, we'll have the proponents here first. And when it comes time for the opponents, if you can fill in the front row that helps keep our hearing moving along and gives everybody a chance to speak. With that, Senator Hunt, you may open.

HUNT: Thank you, Chairman Lathrop and members of the Judiciary Committee. I'm Senator Megan Hunt, M-e-g-a-n H-u-n-t, and I represent District 8 in midtown Omaha. Today I'm presenting LB502 with an amendment that we produced in collaboration with the Nebraska Commission on Law Enforcement and Criminal Justice. This bill limits the ability of law enforcement to inquire about the immigration status of individuals unless they're required or permitted to do so by state or federal law. This will improve public safety by removing barriers that discourage immigrants from interacting with law enforcement. This amendment, AM1108, was drafted to address concerns brought to my staff by the Nebraska Commission on Law Enforcement and Criminal Justice

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regarding the law enforcement training requirement. The amendment requires the Commission to disseminate information regarding the change in statute to law enforcement agencies. The Commission already has mechanisms in place to do this so it won't increase the cost. The amendment also strikes subsection (2) of Section 4 to remove a requirement that law enforcement agencies post signs describing the policy in their facilities. Eliminating these two pieces ensures the bill would have no fiscal impact. Subsection (5) of Section 4 reiterates some of what's stated in subsection (1) of Section 4. So it serves no purpose and we removed that. And then finally, a new section is added to exempt judges from this act to ensure that they are able to notify noncitizen defendants of the immigration consequences of a guilty plea. So those are just some, some things that came to our attention that I needed to change to get this in some better shape, so I wanted to show you that. In support of our state priorities of public health and safety, LB502's function is to reserve for all citizens-- civilians the exclusive right to raise the matter of their citizenship or immigration status only when that matter is statutorily irrelevant. Intimidated and otherwise silenced victims of crimes stand to benefit most from this legislation. With the passage of LB502, communities will also directly benefit because more vulnerable members will be able to support law enforcement's awareness and response to violation of law without fear of unnecessary scrutiny. LB502 is very narrow in scope, designed to protect public safety by establishing confidentiality of an individual's incidentally disclosed status absent court order or federal law. Simply put, people should not be afraid to interact with law enforcement because of their citizenship status. Prosecutors also support this bill because it's more difficult to investigate and prosecute crimes like domestic violence, human trafficking, and sexual assault when victims fear immigration consequences for coming forward. This is a public safety bill that will support local economies and keep people safe. LB502 does not limit law enforcement from knowing an individual status. It also does not prohibit law enforcement from complying with court orders and state and federal laws. To the contrary, LB502 repeatedly references its inapplicability to situations affected by federal law, state law permits, and court orders requiring disclosure of immigration status. Nebraska has a population of about 236,000 immigrants and their children. When we talk about this population, we have to realize these people are diverse in citizenship status, race, education level, and national origin. Some have already been, been naturalized. Some are permanent residents on their way to becoming citizens. Some are here on student visas and some were unwittingly brought to Nebraska as

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children. Their stories and reasons for being in Nebraska are varied so we cannot make blanket judgments about this population. That's not our job. Our job is to make evidence-based policy to bolster public safety in Nebraska. Public safety can only exist through a collaborative effort between the greater community and law enforcement. When community members do not feel comfortable reaching out to law enforcement agencies when they have witnessed a crime or been victimized themselves, the safety of all Nebraskans is jeopardized. According to a nationwide survey of prosecutors conducted by the ACLU and the National Immigrant Women's Advocacy Project, fears of deportation and immigration consequences have caused some immigrants regardless of their legal status to stop reporting crimes such as domestic violence, theft, and child abuse. This is why immigrants are more likely to be victimized. Criminals target members of the immigrant community with the knowledge that they are less likely to seek justice. The implications of this are clear, law enforcement is being severely hampered in its ability to protect victims and investigate crimes. It's important that we make clear what this bill does and does not do. LB502 addresses the underlying issue by quelling fears of law enforcement among the immigrant community in Nebraska which we know exists. It prohibits law enforcement officers from inquiring about an individual's immigration status unless they are required to do so by court or state or federal law. This way immigrants will be able to reach out to law enforcement officers without that paralyzing fear of immigration consequences. This bill does not make Nebraska a sanctuary state. A sanctuary state refers to a state that adopts policy prohibiting law enforcement from contracting with federal Immigration and Customs Enforcement, or ICE, to enforce federal immigration laws. These agreements are called 287(g) agreements. This bill does not prohibit localities from entering into these agreements. It simply eliminates unnecessary increase into immigration status by law enforcement. That's all LB502 does. While we wait for federal immigration reform, we need to ensure that we are able to promote public safety. All individuals should feel safe to interact with law enforcement and be members of our law enforcement or govern-- and law-- members of our law enforcement or government system without being fearful of deportation. For the justice system to be effective, courts must be accessible to all members of the public regardless of their immigration status. When Nebraskans are afraid to call for help, go to court, or report crimes to law enforcement, public safety suffers. It's our job to create laws that will promote public safety and that's exactly what LB502 will do.

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Thank you for that, and that's my opening. I'd be happy to take any questions.

LATHROP: Senator Brandt.

BRANDT: Thank you, Chairman Lathrop. Thank you, Senator Hunt, for bringing this bill. If a law enforcement officer were to ask for a driver's license would that be out of line in your bill?

HUNT: No.

BRANDT: OK, thank you.

HUNT: Um-hum.

LATHROP: Senator Slama.

SLAMA: Are you forgetting my name on the last day?

LATHROP: No, I had a brain freeze there-- that's-- Senator Slama.

SLAMA: So I just have a few questions for you. So immigration statutes in our country, those are under the Immigration and Nationality Act. Correct? INA.

HUNT: I'm not-- this isn't my background I'm not educated enough to tell you that for sure right now.

SLAMA: Sure, but that's under federal law. Correct?

HUNT: I don't know.

SLAMA: So you don't know what your bill--

HUNT: I'm not an immigration law expert,--

SLAMA: OK.

HUNT: --but there may be people coming behind me that can tell you the details of that.

SLAMA: Sure, no, I just want to ask you just to frame my understanding of this bill. So as I'm reading LB502 and AM1108, I'm interpreting it to keep Nebraska law enforcement officials from asking about a person's immigration status. Correct?

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HUNT: Correct.

SLAMA: So is LB502 asking our law enforcement officials to ignore federal law?

HUNT: No, it, it specifically states several times in the bill that when it's allowed or required by federal law of course they can do that.

SLAMA: But our immigration statutes are governed by federal law.

HUNT: That's correct.

SLAMA: So by not being able to ask if a person is breaking federal law, we're keeping our law enforcement officials from interacting with federal law or--

HUNT: This bill would, would make it so that people cannot inquire about people's immigration status for no reason. If they have, if they have no reason to do that. Like if someone pulls someone over for driving, there's a, there's a history in our country and I think you know this and, and many other countries of people being targeted for their immigration status by people who don't mean well in law enforcement which is not most people. And a fear has become pervasive in these communities about interacting with law enforcement when human trafficking is going on, when child abuse is going on, when sexual assault is going on. They don't want to call the cops because they fear that they're gonna be deported. So this assuages some of those fears. It also with the amendment protects judges who are working with these communities.

SLAMA: Sure. So I'm just curious, how are law enforcement officials-- are supposed to enforce the law, uphold their duties when they can't make inquiries about laws which they're tasked to uphold?

HUNT: I think there's people behind me who can answer that and I don't, I don't really have anything else to say about that.

SLAMA: So-- I mean, I'm just wondering how we're supposed to-- OK, so under page 2, line 7 of AM1108, I'm curious, a peace officer may inquire into a person's immigration status if required by state or federal law. So again, how are they supposed to figure out if a person is breaking federal law if they can't even inquire about it if-- unless a person volunteers the information?

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HUNT: Are they, are they required to ask about their immigration status under federal law?

SLAMA: No, but LB-- I mean, AM1108 and LB502 would keep them from asking.

HUNT: Well if they're not required to ask, what's-- why can't we keep them from asking? This might be a conversation to have off the mike, too, to get to the details of this.

SLAMA: I just wanted to make sure that we're clear on--

HUNT: And definitely ask these questions of people coming behind me,--

SLAMA: Sure.

HUNT: --because I really feel like it's not fair to hold me as an immigration law expert. My background is not in law, everybody knows that, so definitely save those questions for the experts.

SLAMA: No, I'm just wanting to get some things on the record so that I can better understand LB502, AM1108. So I'm just-- one last one. So do we have any other places, and I know that you're not an attorney, but do we have any examples-- other examples in Nebraska statute where we say that a law enforcement official-- when a person admits that they are breaking a law that that law enforcement official must keep that information secret from other law enforcement officials?

HUNT: I, I am not qualified to answer that because I don't know. I don't know either way.

SLAMA: OK, so this bill may be setting that precedent?

HUNT: There's-- I'm not gonna put that on the record because I don't know the answer to that question. So I think you should ask that question on the record of someone who has a background in law enforcement.

SLAMA: Thank you.

PANSING BROOKS: Thank you, Senator Slama. Any other questions? Senator Chambers.

CHAMBERS: Go ahead-- you can go ahead. Oh, I thought you said you had a question.

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PANSING BROOKS: No, I said Senator Chambers.

CHAMBERS: First of all, there are a lot of times when there is a lot of outcry in the public and they think because they feel a certain way that's what the law is. The constitution establishes two categories of individuals: citizens and persons. There are some rights that can be exercised only if you are a citizen such as voting and those types of things, others relate to you because you're a person. That's why, for example, the law of the constitution says, no person can be deprived of life, liberty, or property without due process of law. So you being a person, are protected by the constitution when it comes to those rights. Nobody under the Fifth Amendment to the constitution is required to testify against himself or herself. If an officer feels that a crime has been committed and you may be involved, the officer cannot compel you to respond and the officer cannot arrest you for not responding. If the officer has probable cause to believe you committed a crime, the officer can make an arrest. At that time, the legal machinery goes into operation and if that arrest is pretextual meaning that the officers pretending or asserting that there is a right to arrest you when really there isn't then the arrest is thrown out, and any evidence obtained is thrown out. It's an illegal arrest. Nobody can be compelled to testify against himself or herself. So now to bring it to this-- not that this is the law but to give an example, if simply being in this country without all the papers is considered a crime. No officer can compel you to respond to a question of that kind. If the officer believes that you're committing a crime the officer is to make an arrest. If the officer is going to make an arrest you must be advised of your rights. You have the right to have a law-- an attorney. Anything you say can and will be used against you. So when people come here with a lot of this stuff that they get off the Internet and with their ideological misinformation I'm not going to let some things go unchallenged as a member of this committee. So an officer cannot compel a person to testify against himself or herself. If I get stopped for speeding, I don't have to tell the officer I'm speeding. The officer is to put that together himself or herself and that person writes me the ticket and declares what speed that person alleges I was going, what the speed limit is. And I've won traffic tickets where I got them because the officer didn't have adequate basis to make the arrest. So when it comes to these immigration issues there is a lot of ideology, a lot of political posturing that will go on and people are entitled-- not entitled-- I'm not going to say it like that. They are allowed to say whatever they want to. You don't have to be knowledgeable of the law

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to testify. You don't have to be educated to testify. You can say what you want to say but that doesn't mean it's accepted. And that I wanted on the record in view of the questions that were being put just a moment ago.

HUNT: Thank you, Senator Chambers.

LATHROP: I don't see any other questions. Thank you, Senator Hunt.

HUNT: Thank you.

LATHROP: We'll first hear from proponents. Looks like we have three people here to test-- OK, maybe a few more. If you wouldn't mind. Good afternoon, once again.

SCHUYLER GEERY-ZINK: Good afternoon, Chairman Lathrop, committee members. My name is Schuyler Geery-Zink, S-c-h-u-y-l-e-r G-e-e-r-y hyphen Z-i-n-k, and I'm the staff attorney at Nebraska Appleseed with the Immigrants and Communities Program. We have a long history working with Nebraska immigrant families and communities. We support LB502 as it would promote keeping families together and increase trust with local law enforcement and other government agencies, improve public safety, public health, and law enforcement for all. My colleague, an organizer at Appleseed, eloquently wrote an op-ed saying, Nebraska has been my home for 13 years and despite every obstacle that I faced as an undocumented student and later with DACA protection, I love giving back to the place that has given me so much. Many dreamers and people with temporary protected status have worked with leaders and community organizations to create positive policies. We have contributed economically and culturally to our communities. We are students, taxpayers, teachers, accountants, healthcare workers, future lawyers, and more. Like my colleague, the vast majority of undocumented Nebraskans are hardworking, contributing community members. Data shows that undocumented Nebraskans pay nearly \$40 million per year in state and local taxes alone, that two-thirds have lived in the United States for more than a decade, and that undocumented community members commit fewer crimes than U.S. born residents. Unfortunately, until Congress fixes long out-of-date immigration laws at the federal level, these longtime Nebraska families have no way to apply for permanent residency or citizenship. LB502 is important because asking questions about immigration status can have a chilling effect on community members' willingness to engage with important institutions, creating negative impacts on citizen family members and whole communities. When people fear contacting police, health, or other government officials,

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it can create harmful ripple effects through many spheres of community health and safety. It's also important to remember that Nebraskans live in mixed-status families, so fears about interacting with government agencies or law enforcement quickly impact a wider circle of citizen, family, and friends. State and local governments and law enforcement benefit from enhancing trust and collaboration with Nebraska immigrant communities. Limiting unnecessary inquiry into immigration status has a positive impact on public health, public safety, law enforcement, education, and community well-being. This bill is a small but critical step forward. We urge you to support Nebraska families, local communities, and immigrant community relations with law enforcement by advancing LB502. Thank you.

LATHROP: Senator Slama.

SLAMA: So you're an attorney, right?

SCHUYLER GEERY-ZINK: Yes.

SLAMA: Perfect. OK. So maybe I can get some answers here. So just to follow-up some of the questions I asked Senator Hunt, are there any other places in Nebraska statute where we say that a law enforcement official-- when a person admits that they are breaking the law, that that law enforcement official must keep that information secret from other law enforcement officials? This is referencing an AM1108, page 2 line 7, that's subsection (3).

SCHUYLER GEERY-ZINK: I'm not aware of any, but that doesn't mean that doesn't exist.

SLAMA: OK, so it's possible that this is setting the precedent. OK. And one of the bases for Appleseed's opposition-- I mean support of this bill is that federal immigration laws are out-of-date. Correct?

SCHUYLER GEERY-ZINK: They are out-of-date, but also legally state and local governments and jurisdictions don't have to enforce federal laws. These aren't criminal laws we're talking about civil federal laws. You can think about bankruptcy laws as well as an example.

SLAMA: So since we think that these laws are out-of-date and states and local authorities as we've seen of late have the power to just ignore federal laws as we've seen in sanctuary states and in other legislation. What other legislation should we see as a state where we

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just ignore the federal laws because we think they're out-of-date or they're not properly serving their purpose?

SCHUYLER GEERY-ZINK: I'm not saying that we don't follow federal law because they're out-of-date. I, I think that-- we think, Nebraska Appleseed, and, and many people in this room think that the immigration laws are out-of-date but that's not the justification for why we're not gonna follow them. The main justification is that we don't need to. The federal agency is in charge of enforcing those immigration laws, in charge of enforcing those federal laws. The state and local governments don't need to be enforcing federal laws. It takes up a lot of resources, a lot of time. A lot of taxpayer money goes into that and it's just too much like Nebraska doesn't need to be getting involved in helping federal agencies enforce federal laws.

SLAMA: So are you saying that local and state law enforcement agencies should not be collaborating with federal agencies in enforcing the law?

SCHUYLER GEERY-ZINK: They can collaborate and they do. They form contracts. They form agreements. We talked about sex and labor trafficking for instance to enforce those laws. But when we're talking about civil law versus criminal law it just starts getting-- it gets to be--

SLAMA: However, our immigration codes under INA-- that's criminal law, correct?

SCHUYLER GEERY-ZINK: Some of them are criminal laws. The ones that we're talking about here about status for instance is just a civil law.

SLAMA: But if that were to-- that status were to be uncovered, it would be reasonable that they are breaking our immigration laws by being in the country with an improper status. Correct?

SCHUYLER GEERY-ZINK: So there is a completion of immigration laws and criminal laws related to immigration. There is a distinction there. So simply being undocumented in the country may be a violation of a civil law. But there could be a criminal immigration related law, but that's separate. Those are two different things.

SLAMA: How, how are they two separate things?

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SCHUYLER GEERY-ZINK: They're, they're, they're under different parts of the statute. I'm not, I'm not an expert on immigration law like the federal immigration law to, to point to the specific parts of that set statute. But there are criminal violations under Chapter 18 of the federal code and there are civil immigration laws. And you can, you can violate federal law but it's not, it's not under the criminal statute. It's not a crime, you're just violating federal law, but it's not under a criminal statute.

SLAMA: OK, thank you.

SCHUYLER GEERY-ZINK: Thanks.

LATHROP: Senator Morfeld.

MORFELD: Thank you for coming in today. I'm sure Appleseed doesn't have a position on this issue, but have you been to Colorado? Have you been to Colorado?

SCHUYLER GEERY-ZINK: Recently, no.

MORFELD: Not recently. Do you know people who have been to Colorado?

SCHUYLER GEERY-ZINK: Yes.

MORFELD: What's legal in Colorado right now that's not legal on the federal level?

SCHUYLER GEERY-ZINK: Marijuana.

MORFELD: Do you think that local officials enforce marijuana laws-- federal marijuana laws in Colorado?

SCHUYLER GEERY-ZINK: No.

MORFELD: I think that's one example. OK, thank you.

LATHROP: Senator Slama.

SLAMA: So based on that example with the marijuana laws in Colorado and with this bill and other sanctuary state legislation across the country, would it be reasonable that if I, as a legislator, didn't like the federal gun laws that I could make Nebraska a sanctuary state or just to have our state law enforcement officials ignore federal weapons laws?

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SCHUYLER GEERY-ZINK: It would depend on what you're trying to do. Each law would be kind of narrowly tailored under like what you can and can't do under like a state right. This is really like a state rights position that we can legislate some things at the state level. So it, it really depends specifically on what you're trying to do.

SLAMA: OK, so let's say specifically I don't like the ban on bump stocks, so could I bring legislation as a state that says bump stocks are OK, law and state law enforcement officials can't enforce the ban on bump stocks?

SCHUYLER GEERY-ZINK: If there's a federal ban on bump stocks? No, because there's a supremacy clause.

SLAMA: Supremacy clause.

SCHUYLER GEERY-ZINK: So federal law superseding state law. However, when, when you have federal law-- like it gets-- this is a really complicated issue and I can follow-up with you after because I'm not sure this is the place to have it. But there are some things that federal law supersedes state law on and there are some things that state can legislate outside of federal law.

SLAMA: I would like more information on that because I am unclear as to when we can just decide not to follow federal law versus when that actually does supersede what we want to do as a state.

SCHUYLER GEERY-ZINK: I would say that it is a-- an extensive debate even within the legal community about when and where you can do that. So there aren't really clear lines.

SLAMA: Thank you.

LATHROP: Senator Brandt.

BRANDT: Thank you, Chairman Lathrop. And I, and I guess to continue on the same point, doesn't this put our local law enforcement in a difficult position? Because now I'm an officer, I've discovered somebody has done something that is not of, of legal status in the United States and I'm required by Nebraska law to withhold that. And if there were a consequence to that down the road, wouldn't my county or city turn around and be sued because I didn't disclose that because of the federal law?

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SCHUYLER GEERY-ZINK: Are you referring to just somebody's immigration status?

BRANDT: Yes.

SCHUYLER GEERY-ZINK: There is no correlation between somebody's immigration status and like an actual com-- commission of a crime.

BRANDT: OK, and, and that's really-- I just wanted clarification on that.

SCHUYLER GEERY-ZINK: Um-hum.

BRANDT: Thank you.

LATHROP: I think that's it. Thank you for your testimony and answering the questions for us. Next proponent.

CRISTINA LOPEZ: Hello.

LATHROP: Good afternoon.

CRISTINA LOPEZ: My name is Cristina Lopez, L-o-p-e-z, and I'm here today on behalf of Alexis Steele, which is our Immigrant Legal Center's policy staff attorney to speak on behalf of our firm's support on LB502. If I may, I'm going to read aloud her testimony now and if the committee has any questions about this testimony, I would be gladly to convey those to Alexis for her response. So dear Chairperson Lathrop and honorable members of the committee, my name is Alexis Steele, and I am a policy staff attorney for Immigrant Legal Center, a nonprofit law firm that serves, serves clients across Nebraska. I'm testifying on behalf of the firm's support of LB502. The Immigrant Legal Center supports this bill because it promotes engagement with state and local law enforcements and such agencies. LB502 is a remarkably straightforward bill. It proposes a limit-- to limit state and local law enforcement and agencies authority to inquire an individual's immigration status. This limitation is abundantly reasonable and careful tailored-- carefully tailored to accommodate situations where such inquiry is sensible and relevant to law enforcement agencies-- law enforcement agencies' ability to meet their responsibilities to Nebraskans as state actors. As an attorney who specializes in representing immigrant victims of sexual assault, human traff-- and human trafficking, I appreciate all too well this bill's significance. I cannot tell you how many times, whether during a consultation or misrepresentation, I learn that a consult or a

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client has been a victim of often truly atrocious crimes in our state. As a trauma-enforced advocate, my first response is to allow these individuals to share what they have experienced, and then follow-up by asking if they are currently safe or whether they have immediate needs relating to having survived these experiences. I try connecting them with resources for support and recovery, although those are rather limited and difficult to secure for the types of individuals whom I work. Usually individuals who do not speak English have extremely limited options for transportation or creating time to engaging and healing. Finally, and extremely and importantly, I explain that that they-- what they have experienced is a real crime and that our state and local law enforcement care about their victimizations and might be able to help their situations, which often entails ongoing fear of perpetrators if they make a report to law enforcement. Heartbreakingly, most of these individuals recoil from the idea of making reports out of extreme fear of these authorities. They often express that they, that they doubt that Nebraskan authorities care about what they have suffered and that they are afraid to experience-- that should be the first step towards criminal justice simply turning into a situation of shaming or worse. Their own entrapment and penalization is simply for being a victim who exists and is not a United States citizen. LB502 would prevent these sorts of unnecessary, irrelevant, and truly harmful inquiries in reports and investigations. LB502 would build trust to enable vulnerable victims like my clients to begin thinking of law enforcement as a first resource rather than an authority to fear simply because they are not United States citizens. This matter is not only our most-- not, not only to our most powerless and terrified populations, it is also a matter of overall safety of all Nebraskans. And I can--

LATHROP: We do you have that letter. I promise you we'll read the rest.

CRISTINA LOPEZ: Yes, it was a long letter. Thank you.

LATHROP: Thanks for being here, Ms. Lopez. I appreciate your testimony.

CRISTINA LOPEZ: OK, thank you.

LAZARO SPINDOLA: Good afternoon again, Chairman Lathrop and members of the committee. For the record, my name is Lazaro Spindola, L-a-z-a-r-o

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S-p-i-n-d-o-l-a. I am the executive director of the Latino American Commission, and I am here in support of LB502. Also I am testifying in the name of Nebraskans for Peace, and I wish to thank, Senator Hunt, for introducing this bill. Immigration law grants authorize officers the authority to interrogate individuals and to make warrantless arrests of anyone they believe is unlawfully in the United States. Nonfederal law enforcement agencies may enter into Memorandums of Agreement with the federal government allowing the agencies' deputized officers to enforce criminal and civil immigration law. Individuals may be questioned by police because of their race, skin color, name, and the language they speak, and subsequently be arrested for a civil immigration violation or rather a suspected civil immigration violation. These memorandums grant local law enforcement the authority to independently do the following: interrogate individuals in order to determine probable cause for an immigration arrest, prepare immigration detainers and affidavits, take sworn statements, transport aliens under arrest, notify ICE within 24 hours of any arrests made under this authority, prepare a Notice to Appear for immigration purposes, and assist in pre- and post-arrest case processing of individuals taken into custody by ICE. The power to issue a detainer is one of the most troubling delegations of authority by the MOAs. A detainer, in essence, means that any individual suspected of violating an immigration law cannot will be released on bond from jail until federal immigrations agents determine the individual's immigration status. Thus, law enforcement individuals can arrest a person, Senator Chambers, with the belief that the person is an undocumented alien. Racial profiling is likely in such a context. I believe that if we had some immigration officers coming into this room right now they would probably point out those that they suspect that might be here illegally and if they hear me speaking they would point at me. This is all part of what I call the ICE Business Model. With billions of dollars available to provide beds or cots for immigration detainees, the mechanism is: enter a Memorandum of Agreement with ICE, instruct law enforcement agents to detain anyone suspected of being unauthorized in the United States, have an ICE enabled officer who will issue a detainer, and wait for ICE to confirm the status of the detainee. In the meanwhile, ICE pays for the detainee. This process is supposed to take only 48 hours. In reality, factors such as concomitant criminal charges are investigated and the detainee may remain in custody for much longer. At a time of budget cuts, cuts, this is an attractive option for many communities and this is happening already in other places. I, therefore, encourage the

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committee not to look at unauthorized immigrants as a source of income and advance LB502. And with that, I would try to answer any questions.

LATHROP: OK, Senator Chambers.

LAZARO SPINDOLA: Yes, sir.

CHAMBERS: We are talking about local law enforcement agents, they must be authorized to carry out and exercise these functions of these federal immigration [INAUDIBLE].

LAZARO SPINDOLA: Exactly, Senator.

CHAMBERS: And if there is not that official--

LAZARO SPINDOLA: Memorandum of Agreement.

CHAMBERS: --then local off-- local officers don't automatically have that authority simply because they're local police. Is that correct?

LAZARO SPINDOLA: As I understand our constitution protects us for, for being arrested without probable cause without a warrant just because we're being suspected of something.

CHAMBERS: So just an ordinary cop could not say, I'm a cop, therefore, I exercise all of these authorities. I will detain you because I suspect you of being in this country unlawfully because you won't answer my questions.

LAZARO SPINDOLA: Exactly.

CHAMBERS: [INAUDIBLE] official MOA,--

LAZARO SPINDOLA: Right.

CHAMBERS: --that cop would be acting outside of his or her authority and the arrest would be illegal. Correct?

LAZARO SPINDOLA: Exactly.

CHAMBERS: And I just want that on the record. There are some people who think they're smarter than they are, and it's good that people who are knowledgeable will answer those questions. And you know more about this than I do and I can tell that from reading it. So as one who is uninformed, but wants to have his education improved, I wanted to bring these matters to you because you understand it and make sure

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that I now understand what you understand. So I appreciate you improving my education. Thank you very much.

LAZARO SPINDOLA: Actually, you improve mine every day.

CHAMBERS: Oh, well, mutuality is what makes the world go around.
[LAUGHTER]

LATHROP: OK. I don't see any other questions. Thank you--

LAZARO SPINDOLA: Thank you.

LATHROP: --for your testimony. Good afternoon.

DAMON HUDSON: Good afternoon, Chairperson Lathrop and members of the committee. My name is Damon Hudson, that is D-a-m-o-n H-u-d-s-o-n. I'm a senior certified law student at the University of Nebraska College of Law. I'm enrolled in the Immigration Clinical Law Program. I am testing-- testifying in favor of LB502 as a citizen and not as a representative of the university. LB502 assists in better aligning the goals of law enforcement and immigrants to best meet the needs of both parties without chilling immigrants' willingness to interact with law enforcement. LB502 provides an important reassurance to immigrants that state and local law enforcement will not inquire about their immigration status unless otherwise required by state or federal law. Based on my experience working with immigrant clients during this past year in the Immigration Clinic, I believe that many immigrants are apprehensive about interacting with law enforcement and the judicial system. This is true in my experience even for those immigrants who have lawful status in the United States and is especially true of those who are here without documentation. As a result many immigrants are reluctant to report crimes, cooperate with law enforcement, or avail themselves of protections and benefits of our judicial system, benefits of which they're totally fully entitled. LB502 will help to ease the concerns of non-U.S. citizens and enhance the ability of state and local law enforcement to do their jobs effectively by increasing immigrant willingness to engage with the system. I realize that there may be some concerns that this bill will be viewed as giving a pass to immigrants particularly those who are present in the U.S. without documentation. But ICE, which is the internal enforcement branch of the DHS, will still have access to all state and local law enforcement databases in order to identify who may still be in the U.S. in violation of federal immigrant law. LB502 would not change that and ICE will still be able to enforce U.S. immigration laws. This

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supports recognition of basic principles of federalism allowing ICE to focus on their duties and Nebraska law enforcement to focus on keeping the peace instead of wasting taxpayer money on enforcing federal laws. LB502 does not alter the ability of ICE to ensure compliance with our country's immigration laws. It simply recognizes that state and local law enforcement duties and goals are to make certain state and local laws are effectively and efficiently enforced. It is in no way hamstrings ICE's ability to do its job which is to enforce federal immigration law. I urge the committee to advance the bill to General File. I also support the amendment and I appreciate and look forward to working with Senator Hunt's, Hunt's Office on further legislation or this if need be. Thank you for your time. I'm happy to answer any questions.

LATHROP: Thank you. Senator Chambers.

CHAMBERS: No, thank you, I'll resist the temptation.

DAMON HUDSON: Please, I would be honored. [LAUGHTER]

CHAMBERS: If I am stopped-- oh, if I am stopped and an officer begins to ask me questions and I say, no compendo, and he says, well, are you American? I say, no, no hablo ingles, Senor. Pardonnez-moi. I threw a little French in there because he doesn't understand anything other than English, too. [LAUGHTER] So now he thinks he's got a foreigner here, and because I'm black that complicates it. Would he be justified on the basis of what I just told you for placing me under arrest in your opinion?

DAMON HUDSON: Because you were speaking in a different language?

CHAMBERS: Yes.

DAMON HUDSON: No.

CHAMBERS: Thank you.

DAMON HUDSON: From my understanding, I want to point out, I'm a senior certified law student.

CHAMBERS: Right. I'm just, just on the basis of what I, I gave you-- and here's why I'm doing it, I'm trying to make it as graphic as I can because there are people who have been denied service because they speak Spanish. There are people and they've had it on the news where the law enforcement people were called because this person spoke

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Spanish and that clerk suspected that this person was not an American and called the police. Now some of the officers had sense enough to know that, that is not enough to make an arrest and they would try to explain it to the clerk. There is so much hatred that has been spewed by the President. He has emboldened people to come out of the woodwork and I don't know why they wear that MAGA hat. You know, where M-A-G-A, MAGAs. I don't know why he's encouraged these MAGAs to take it on themselves to enforce the law. But since we have the opportunity as elected officials in a public forum where everything that is said is recorded and then transcribed to make it clear that we will do all we can to prevent innocent people from being harassed and hounded because somebody is ignorant of the law, ignorant of the rights that a person in this country has, whether he or she is a citizen or not and I think the line is becoming blurred and even on the part of some people in the Legislature. So when we have knowledgeable people who come, I will give examples of the kind that I gave to make the issue as stark as I can and then that might contribute to the discussion. So I wasn't trying to embarrass you as a student because one time,--

DAMON HUDSON: No, I just had to make that clear.

CHAMBERS: --one time I was a student in law. It was a long time ago and our books were in stone and we had to use a chisel and a hammer to get out our answers. And if you go into some of the tombs in Egypt you'll see where there are a couple of questions asked to me and I tried but I got the answer incorrect. [LAUGHTER] That's all I have, so thank you.

DAMON HUDSON: Thank you, Senator Chambers.

LATHROP: Senator Slama.

SLAMA: Hi, thank you for coming out today, and just asking you as a senior certified law student. So you're saying in your personal capacity that this does not impede ICE from doing their job?

DAMON HUDSON: Does not impede ICE from doing their job?

SLAMA: Yeah, ICE, not AM1108 or LB502.

DAMON HUDSON: No, that-- this is about, from my understanding, the bill is about preventing state officials from, from doing things so it's not about doing anything to stop ICE from doing their job.

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SLAMA: OK, great. So I'll hop in with another example. So I'm a state trooper, I pull someone over and they roll down their window and say just out of the blue, I am in this country illegally, I broke federal law by coming into this country. Could that state trooper do anything with sharing that information with ICE? A person has admitted and volunteered that information to a law enforcement agent which is covered under AM1108 and LB502. Could that State Patrol officer share that information with ICE?

DAMON HUDSON: From my understanding the bill that would be the intent that they could not. I'm not, I'm not totally clear on that portion of the bill but I do think that that is a civil violation not a criminal violation to be inside the United States per Arizona v. the United States.

SLAMA: OK, thank you.

DAMON HUDSON: Thank you.

LATHROP: OK, I don't see any other questions.

DAMON HUDSON: Thank you.

LATHROP: Thanks for being here. We always appreciate hearing from the students at UNL Law.

ERICK LOPEZ: Good afternoon.

LATHROP: Good afternoon.

ERICK LOPEZ: My name is Erick Lopez, E-r-i-c-k L-o-p-e-z. I am a student at the University of Nebraska at Omaha and I am also a DACA recipient. I am here to be a voice for my community especially the South Omaha community. I know that the fear of the police is real. I have experienced this fear and I'd like to share my experience with you. So on October 2016, my mother was in the, was-- became a victim of a carjacking which resulted in a police standoff. And my mother sent me a text message saying, hey son, my car was robbed and I'm in the police station, and this was during my ninth hour, it was during my ninth-hour class. And once I saw the text I could not think straight, my heart felt like it-- it felt like my heart was just out of my body. I felt powerless. I felt that if their status was revealed that I wouldn't be able to help them in any way or situation. And this is one of the situations that I always play in my mind when I'm trying to go to sleep and I always feared that the Omaha Police Department

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will ask for their status when they voluntarily went to ask for help. Even I, someone who grew up with police officers as mentors, respect law and want to become a lawyer in the future. I want to just bring the, the real perspective that is happening in South Omaha. LB502, will not only, will not only allow to-- not only allow ease within the community but also allow community members to come and report crime. It will take the uncertainty and stress that I had when my mother sent me that text message. LB502 will remove the fear that I felt and that fear is real in the community. I had many conversations with a lot of community members and they said that they're even afraid to call the Omaha Police Fire Department because they are afraid that their status will be known. A lot of South Omaha residents will feel more comfortable reporting crimes such as domestic violence and child abuse. After having this experience with the Omaha Police Department, I am more comfortable seeking and asking for help. Since October 2016, I have reported multiple crimes that I have seen and I know that my position-- my, my positive experience gave me a sense of trust with the police, especially with the local Omaha Police Department. They're preaching community service-- or not community service, community policing. And this, this LB502 will continue this community policing and gaining trust especially in the underserved communities. The criminal justice system is suffering when a crime is not being reported and we as a community must add-- and continuing to, to have positive interactions with government officials. And I want people to have the same trust that I now have with the Omaha Police Department. Some will not support LB502 because they will say that this is a sanctuary, sanctuary bill and that Nebraska will have sanctuary status but there is no legal definition of what a sanctuary city is. LB502 will promote the participation with community members and also with the Omaha Police and local police and will not obstruct with justice at all. From hands-on experience, having policies like this is needed in our community, in our government, and in Nebraska. I want to thank you for giving me a chance to speak and also encourage you support LB502 because someone's status shouldn't prevent them from seeking help especially when there's a need to report a crime.

LATHROP: Thank you, Mr. Lopez. I don't see any questions for you today.

ERICK LOPEZ: OK, thank you.

LATHROP: Thanks for being here. Next proponent. Good afternoon.

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KELSEY WILSON: Good afternoon. Good afternoon, Chairperson Lathrop and members of the Judiciary Committee. My name is Kelsey, K-e-l-s-e-y, Wilson W-i-l-s-o-n, and I am a social work student at Nebraska Wesleyan University in Omaha and am currently completing my practicum placement for my undergraduate degree at the Nebraska Chapter of the National Association of Social Workers. I am here on behalf of NASW and would like to go on official record in support of LB502. The intent of the bill simply allows for more communication to occur in order to improve public safety without those communicating fearing for their own. NASW supports promoting social justice and avoiding racism, discrimination, and profiling on the basis of race, religion, immigration status, or other grounds as well as supports immunity from deporta-- from deportation for those who report incidents of criminal activities. The passing of LB502 could help to ensure that more crimes are reported while upholding the dignity and worth of the person reporting. As a future social worker, it is important for me to promote the rights of others in regard to self-determination. This bill gives a voice to those in Nebraska who want to make a positive difference but may feel voiceless. I want to thank, Senator Hunt, for introducing this very important piece of legislation and ask the Judiciary Committee to please pass LB502 out of the committee. Thank you for your time and I will answer any questions.

LATHROP: Thank you. I do not see any questions for you. Thanks for coming in though.

KELSEY WILSON: Thank you.

ROSE GODINEZ: Hello everyone, again. My name is Rose Godinez, spelled R-o-s-e G-o-d-i-n-e-z, and I'm here to testify on behalf of the ACLU of Nebraska in favor of LB502. I first want to thank, Senator Hunt, for bringing this legislation. And secondly, I, I want to give you a little bit of background. I've practiced immigration law so I'm happy to answer any questions that the committee may have. I do want to state on the record that the fundamental constitutional protections of due process and equal protection apply to everyone regardless of immigration status in the United States. We're happy to work with the committee on working on this bill and ensuring that it meets with its intent of protecting victims of crime. I practiced immigration law for a couple years and, and I can tell you that victims of domestic violence, victims of rape don't want to come forward and talk to the police even though it may lead to some form of immigration relief called a U visa. So that, that is really the, the intent I, I see

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behind this bill and we stand behind it. Happy to answer any questions and we urge the committee to advance this bill.

LATHROP: Senator Slama.

SLAMA: Thank you. Thank you for coming out today. It's nice to have an expert on the subject matter here for this bill. So I was just hoping you could clarify for the record just quickly, the quick differences between criminal and civil immigration law.

ROSE GODINEZ: Sure. So criminal law is determined by state statutes and at least as far as we're considering in this bill. And then civil law, as far as this bill is also talking about immigration law, which is under the INA, as you've cited before. However, there is this very specialized area and is very tricky, I've practiced immigration law for a couple years and I can tell you being an expert in it is super difficult. But there is a blend between the two, which is Crimmigration Law, so say an individual is being stopped by the police and asked about immigration status but they're stopped because of a traffic offense and asking them about their status, that would not be something under federal law. That, that-- it's typically done in under a state law that is typically done. So if-- I lost my train of thought here. If we talk about federal law enforcing civil immigration law that's only when an individual has entered the, the country without legal status. But there's also ways to enter the country with legal status like a visa. And then you overstay your visa, that would also be only a civil immigration violation. Where we get to a criminal immigrate-- immigration violation is when saying maybe if there is a double entry so someone came in to the United States then left and then came back. But even then there are exceptions. So yeah, it's tricky.

SLAMA: Sure. Yeah, I've got the statutes up in front of me and you hit on the two examples of criminal immigration. They're on the federal level so the two examples I found the first one, 8 U.S.C. 1325, that's where if you enter the country at an illegal point so you're not at a checkpoint and then that's a misdemeanor. And then 8 U.S.C.1326, that's even under civil immigration law if you're removed the first time and then you come back. Then we're looking at criminal penalties, right?

ROSE GODINEZ: That's correct.

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SLAMA: So this bill doesn't differentiate between that criminal and civil difference does it?

ROSE GODINEZ: It does not, but law enforcement agencies don't ask about immigration status during their stops and, and are not supposed to unless you have clear jurisdiction under the Department of Homeland Security.

SLAMA: So if they don't, then why do we need this bill?

ROSE GODINEZ: If they don't-- this bill really works towards giving victims of crime the confidence to speak to law enforcement agencies. That's what, that's what the intent is behind here.

SLAMA: OK. So just to go off one of my other examples from earlier. So say I'm a state trooper and I have the persons pulled over at a traffic stop, the person rolls down their window-- and I understand that this is an unlikely hypothetical but this is the Legislature, we deal in unlikely hypotheticals.

ROSE GODINEZ: Sure.

SLAMA: The person rolls down their window and says, I'm in this country illegally. I broke federal law 8 U.S.C. 1325(a) by coming into this country illegally at not a checkpoint and I broke 8 U.S.C. 1326 because this is the fourth time I've done it. Could that state trooper do anything?

ROSE GODINEZ: Yes, they could. And those statues you're referring to just to clarify, because I don't have them memorized,--

SLAMA: Yes.

ROSE GODINEZ: --those are reentry after being deported. Is that correct?

SLAMA: The second one is.

ROSE GODINEZ: If they say to that one, yes, you could arrest someone. What's the first statue?

SLAMA: The first one is 8 U.S.C. 1325(a), in that you entered the country at an improper time or a place.

ROSE GODINEZ: That one you would not.

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SLAMA: OK, and they couldn't share that information with the federal law enforcement agency that's tasked with enforcing those laws under this bill.

ROSE GODINEZ: Under this bill they would not do it under the first statute that you mentioned but-- trying to keep them in order. And the second statute that you mentioned where there's two entries they could give that information to, to federal law enforcement.

SLAMA: What's the difference on that second one?

ROSE GODINEZ: That's a clear, a clear criminal violation. The first one, entering and being here in the United States without anything else is not a criminal-- it's not a criminal violation.

SLAMA: What part of this bill differentiates a clear criminal violation versus a suspected criminal violation? Is there any mention of that in this bill?

ROSE GODINEZ: I don't believe there is and I think, I think, I, I think it's important to remember that-- but these-- that this bill is targeted towards helping victims. And, and, and speaking of victims, I wanted to answer another question of yours that you, you asked a previous testifier and that's other examples of where-- and I think it leads to the same question, other examples of where law enforcement agencies keep certain things secret. While we didn't find an exact example, I would lead you to a-- Nebraska statute 28-801 where law enforcement if they are detaining or investigating someone that has or, or has suspected of committing a crime they will choose-- or is under 18 years of age, they will not choose to prosecute. So similarly they have quite a bit of discretion there and this bill is giving them that discretion as well.

SLAMA: But 28-801 doesn't deal with communi-- communication between different law enforcement agencies does it?

ROSE GODINEZ: No, but even within the system-- I mean, if you're detained by the police you're choosing not to prosecute. You're choosing not to forward it to the county attorney. So that is within-- that's communicating within the government system.

SLAMA: OK, but this one deals with the state agencies and the local agencies not communicating on a federal level so that's the difference there. Correct?

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ROSE GODINEZ: That's right.

SLAMA: Thank you. That's all I had.

LATHROP: I don't see any other questions. Thanks for coming in. Thanks for answering the questions and sharing your expertise.

ROSE GODINEZ: Thank you.

LATHROP: Anyone else here in support of LB502? Seeing none, we'll take opponents. And I appreciate there's a number of folks that are here in opposition, if you'd do me a favor and fill up the front row we can-- that helps us keep the hearing moving along so we're not waiting for people to come from the back of the room. It also gives us an idea how many testifiers we have so we can alert-- I guess it's Senator Pansing Brooks. Good afternoon.

DOUG KAGAN: Good afternoon, Doug Kagan, D-o-u-g K-a-g-a-n, 416 S. 130 Street, representing Nebraska Taxpayers for Freedom. We believe the sponsor of this bill did not conduct sufficient background research when writing it. I refer to Section 4(1) and section 4(4), specifically the phrases beginning, I quote, Unless required by court order or federal law. I will then refer to United States Code federal law 1373, warning that no state or local government or official can prohibit or restrict a government entity or official from sending to or receiving from immigration official's information about illegal immigration status. No official or agency can prohibit or restrict a state or local government entity from maintaining or exchanging such information or from responding to federal inquiries to ascertain immigration status. Furthermore, another federal law prohibits state or local governments from restricting or forbidding the sending to or receiving from immigration authority's information about illegal aliens. Therefore, if local law enforcement or state law enforcement official wanted to contact federal immigration authorities they would have the authority to do so under federal law. The Justice Department insists on refusing grant money to cities unless they allow immigration officials access to jails and alert the federal government when someone is tagged for deportation. This department is not able to fully enforce cooperation with ICE to the extent preferred but it is able to enforce compliance with existing federal law to the extent that several sanctuary jurisdictions quickly have changed their policies in order to obtain or regain grant monies. Thus, passing LB40-- 502 would jeopardize federal grants to Nebraska government subdivisions. By violating federal statutes, this bill would prevent

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law officers or other government employees from determining immigration status and then reporting illegal status to other government or law enforcement agencies. LB502 would create safe zones, magnets for criminal illegal alien activity like sex trafficking and ID theft. Sanctuary policies hamper the ability of law officers to accurately identify illegal aliens making it more difficult to uncover their criminal activities. LB502 would prevent law officers from contacting ICE allowing criminal aliens to reenter communities following imprisonment and perpetrate additional crimes against Nebraska citizens. LB502 policies deny ICE critical assistance that allows it to accomplish its constitutional mission to identify and deport illegal aliens in state or local custody. Finally, our own Nebraska Attorney General has joined a coalition of attorneys general to oppose sanctuary policies. Thank you.

LATHROP: All right, Senator Chambers.

CHAMBERS: Mr. Kagan, I'm looking at your statement and the only thing in quotation marks are the following words, unless required by court order or federal law. Then you give some other material but it's not in quotation marks. So that is your construction or understanding of the law, but it's not a direct quote from the law is it?

DOUG KAGAN: It's not a direct quote, Senator, it is paraphrased.

CHAMBERS: OK, that's all that I'm asking.

LATHROP: I see no other questions. Thank you for your testimony.

DOUG KAGAN: OK.

LATHROP: Good afternoon.

FRANK NOWAK: Good afternoon, my name is Frank Nowak. It's spelled F-r-a-n-k N-o-w-a-k, and I'm here today to speak against LB502. I am against bill LB502 by Senator Megan Hunt. The bill which is using the canard that it will encourage the reporting of crimes by illegal aliens. This bill must be trying to make us believe when in fact it is just a stalling mechanism to keep future Democrat voters from deportation till you can get Comprehensive Immigration Reform, all out Amnesty. First of all in line 5, you confuse the words immigrants with the word illegal aliens. An immigrant is defined as one who is going through a legal process or it is one who has gone through a legal process to become a United States citizen by following immigration

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laws. Therefore, no illegal alien is an immigrant. They are basically undocumented criminals. This whole charade of a law proposal is to turn Nebraska into a sanctuary state like California. Now here are a few examples of what not enforcing immigration laws can lead to. Right here in Omaha, the death of four-year-old Josie Lea Bluhm on May 13, 2009, when President Obama stymied the whole ICE enforcement arm of the Department of Homeland Security. The illegal alien that hit her and killed her in her mother's van had several previous traffic convictions. His license was suspended in 2002 for his third drunk driving conviction. Eleazer Rangel-Ochoa only spent ten months in jail for taking her life and permanently separating her from her parents, brother, and sister. She would be 14 today. Under LB502, you would have protected this perp. What I mean by that is, if he would have been stopped on the streets, found to be driving without a license, he would have been stopped and possibly deported. No accident would have occurred. Then there's the death of California Police Officer Ronil Singh on last Christmas day leaving a wife and son. The killer was illegal alien Perez Arriaga who was gang affiliated. California is a sanctuary state. On Monday, March 25, just this last week, Sonya Jones, 49-year-old schoolteacher and mother of two was killed in a head on crash in Mobile, Alabama by an illegal alien Domingo Francisco Marcos who fled the accident scene. He had a deportation order on him at the time. Then there is the case where Bambi Larson was viciously stabbed to death in her own bed by illegal alien Carlos Eduardo Arevalo Carranza, 24. This was after California and con-- counties ignored nine ICE detainer requests and this is in the sanctuary state of California. In Nebraska, we do not want a sanctuary state like California.

LATHROP: OK, thank you, Mr. Nowak. Appreciate your testimony.

LARRY STORER: Larry Storer, 5015 Lafayette Avenue, Omaha, Nebraska 68132, District 8. First of all, what federal immigration laws? I don't perceive that they're doing anything with federal immigration laws. They're not doing their job. You know, the federal government Founding Fathers promised us a republic form of government. Yet, in Nebraska we're promised a Unicameral. Most one houses and monarchical governments thrive on power and power corrupts absolutely. I believe the saying goes. There is no second house when we have only three minutes or less. We're not official second house. We need more empathy for citizens-- legal citizens instead of all the empathy for people that are called immigrants but they're maybe illegals, unintended consequences, yeah. And I remember John Wayne quite often would say,

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oh, I'm not gonna say that or I'm not gonna do that. And he'd turn around and then turn around again, and he'd say, well, the hell I'm not. And that's what sanctuary city is. You guys can say it's not-- claim it's not, but when you treat it as a sanctuary city and you enforce laws that way it is in fact a sanctuary city. It's just like pretty soon people will wake up and you realize that a lot of the illegals are here long enough, they're in fact a de facto citizen. Isn't there such a thing as de facto laws? Yeah, when, when they're not enforced something becomes de facto, right. Your own constitution, which usurp certain things, Article I, Section 3, Section 16, Section 25, Section 27, Section 30, Section 8, Article III, Section 18 and page 18 all relate to things that the state constitution says you won't do. But this bill apparently does, such as denying me equal protection under the laws and due process giving-- you know, the rights of aliens or in respect to my rights. I'm sorry, I don't think so. Section 25 says you may regulate aliens. It also says English is an official language. Section 30 self-executing only parts of the constitution more or less makes it de facto, particularly when it conflicts with a federal constitution. It's me against illegals and them against natural born citizens other than me.

LATHROP: Mr. Storer.

LARRY STORER: Section 18 shall not pass special laws again. Privileged immunity, are they not getting privileged immunity? Thank you.

LATHROP: Thank you. Oh, pardon me for just a second, Senator Pansing Brooks has a question.

PANSING BROOKS: Thank you for coming, Mr. Storer. So I, I just have to respond a little bit. How do you think it would be better to attempt to get to the second house? Because I believe that we do a pretty darn good job. Is it perfect? No. I just counted that we've had 20 testifiers already speaking and with what I'm counting here there's at least 20-- 27 just to get to this point on the bill and we still have at least two other bills coming up today. So I'm just interested if you actually do have a suggestion because I'm proud of, of our Legislature and how we do. We're the only Legislature in the state that listens to testimony on every single bill that comes before us. No other Legislature in the nation including Congress does this. So I-- I'm-- I really am serious. How could it be better? Because I guess we could do ten minutes per person but then everybody couldn't stay and do this. So I, I am interested if you have an idea that's better.

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LARRY STORER: Well, more transparency for one thing.

PANSING BROOKS: In, in the hearings?

LARRY STORER: More, more than three minutes. But you know, we don't read about these things in the World-Herald.

PANSING BROOKS: We, we can't control the press.

LARRY STORER: They might be the Daily Record, but what citizens have time to look at the Daily Record all the time. And when we do get down here, the biggest thing my gripe is you take all the proponents for four or five hours and then the opponents are left here at 5:00. That's, that's one way you can maybe do a little better because you're all worn out by the time we get to you. And you really don't want me using your time up in your office.

PANSING BROOKS: Well, I'm not sure that that's exactly true, but--

LARRY STORER: So--

PANSING BROOKS: --I'm sorry if you've had that impression because we are open and, and meet with people all the time.

LARRY STORER: The big thing would be please reprint your state constitution because it-- those first few pages, they're absolutely filled with unconstitutional statements.

PANSING BROOKS: OK, thank you, Mr. Storer.

LATHROP: Good afternoon.

ROBBIN HAYS: Hi, I'm Robbin Hays. Good morning, and to Senator Lathrop and the Judi-- I can't say the word, Committee. Good afternoon, I'd like to testify that I'm against LB502. This bill describes in great detail who the government is.

LATHROP: Can you give us your name and spell it for us.

ROBBIN HAYS: Oh, I'm sorry.

LATHROP: It's OK, go ahead.

ROBBIN HAYS: Robbin, R-o-b-b-i-n, A. and Hays, H-a-y-s.

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LATHROP: Perfect, thank you.

ROBBIN HAYS: I'm sorry. I'm from Omaha, Nebraska.

LATHROP: OK, that's fine.

ROBBIN HAYS: Can I start again?

LATHROP: Yep.

ROBBIN HAYS: OK, thanks. I'm a little nervous, sorry.

LATHROP: Oh, don't need to be nervous at all.

ROBBIN HAYS: I'd like to testify I'm against the LB502. This bill describes in great detail who the government is, who law enforcement agencies are, and who peace officers are, but hides this bill would, I think, makes Nebraska a sanctuary state if it gets approved. It does not tell Nebraska citizens they will have no protection against illegal immigrants and for that reason I'm against this bill, LB502. Sanctuary city definition per ProCon.org states: While there is no official legal definition of a sanctuary city the term refer to towns, cities, or counties that protect undocumented immigrants by refusing to cooperate completely with federal detention requests, often with a don't ask, don't tell policy. Your bill is establishing a law prohibiting these agencies to inquire into immigration statuses when approached by these government agencies. This information needs to be provided to all our government agencies since they are not Nebraska citizens. There are four serious reasons to vote against this bill. The first is, sanctuary cities and states harmer-- har-- harbor criminals and create dangerous environments for U.S. citizens. Sanctuary policies defy federal laws to which state and local governments are bound. Third, sanctuary policies prevent local state police officers and ICE from doing their jobs. And fourth, sanctuary policies increase taxes for schools and increasingly drains our medical resources when illegal immigrants do not pay their bills or taxes. For these reasons, I recommend you vote against this bill for Nebraska citizen's protection from illegal immigrants, protection for our current federal laws in place in Nebraska, protection for our police officers and ICE to be able to perform their jobs under current laws in Nebraska, and protection from increased taxes for our schools and medical resources which continually raise in Nebraska-- our taxes, I'm sorry. And I feel after listening to everything and illegal immigrants has already committed a crime in Nebraska and I want

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Nebraska citizens to be protected. All I've heard today is undocumented immigrants and to me if they're illegal they've committed a crime and we're giving them protection they don't deserve. And I, I would like this to be included as part of the official public hearing record. Thank you.

LATHROP: It is now.

ROBBIN HAYS: Thank you.

LATHROP: OK, I don't see any questions for you. Thanks for coming down.

ROBBIN HAYS: Thank you. Sorry, I was nervous.

LATHROP: No you're fine. Good afternoon.

MARIE ZILLI: Good afternoon, my name is Marie Zilli, M-a-r-i-e Z-i-l-l-i. Good afternoon, Chairman Lathrop and members of the Judiciary Committee. My name is Marie Zilli. I am Hispanic and I am retired from the U.S. Air Force. My family relocated to Nebraska in 2006 from Mississippi after the Hurricane Katrina of 2005. I quickly found the people of Nebraska to be some of the kindest, generous, and hardest working people I have ever met. And some of these wonderful Nebraskans are in the law enforcement profession. LB502 Limited Immigration Inquiry Act will place even more restrictions on our police officers and employees of the law enforcement agencies they serve and they protect. They're the ones who place their lives on the line every day they go to work. We should not-- you should not make their job even harder than it already is. This is why I am against LB502. I ask you, vote against LB502 for the safety of law enforcement employees, their families, and my dear fellow Nebraskans. Thank you very much for your time.

LATHROP: Thank you, Ms. Zilli. I don't see any questions for you. Next testifier. Good afternoon.

S. WAYNE SMITH: Good afternoon, Senator Lathrop and committee members. My name is S. Wayne Smith, that's S. Wayne, W-a-y-n-e, Smith, S-m-i-t-h. This bill prevents law enforcement from doing their job by not allowing them to inquire about the immigration status of anyone and requiring them to keep such information confidential if immigration status is discovered. Passing this law would result in Nebraska becoming a sanctuary state for illegal aliens and we will

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become a magnet for illegals. Additional illegals would increase the competition for jobs and undercut the pay of low-skilled citizens. Adding the children of illegals to our school systems will increase the overall education cost per student. Hospitals would suffer financially if illegals are not able to pay their bills. There will be additional costs to train law enforcement in understanding and complying with the law. It makes no sense to spend my tax dollars to enforce a law that will harbor people who are breaking federal laws. This bill lacks three things that I ask of my politic-- my political leaders and the bills they pass: common sense, values, and wisdom. Please vote no on LB502.

LATHROP: OK, thank you, Mr. Smith. I don't see any questions for you today. Thanks for coming though.

S. WAYNE SMITH: Thank you.

LATHROP: Next opponent. Good afternoon.

MARTIN JARAMILLO: Good afternoon, Chairman Lathrop and members of the committee. My name is Martin Jaramillo, it is spelled M-a-r-t-i-n, last name is J-a-r-a-m-i-l-l-o. I have lived in Papillion for-- well, probably 20 years or more. And I retired from the Air Force after serving 26 years, and I served our country for over 41 years working with the Defense Intelligence Agency the last several years. I am vehemently opposed to LB502. What you guys call the Limited Immigration Inquiry Act, this really should be rightly named the Nebraska State Sanctuary Act because that is exactly what it does. It's putting our family-- excuse me. This act is protecting criminal illegal people over the legal citizens of our state by not allowing law enforcement to identify illegal aliens who are felons and not allowing law enforcement to conduct appropriate-- contact the appropriate federal agencies. What are you going to say when another illegal felon kills another Nebraskan or maybe even one of our police officers? It's happened already too many times in our country and it's happened here in Nebraska. The passing of bill-- of LB502 will increase the illegal population in Nebraska and will subs-- sut-- substantially-- excuse me, increase education and medical costs throughout our communities in Nebraska and will cost us taxpayers to have to pay those. This is already happening. It's getting worse and it will be a further burden to us. For these reasons, I ask that you vote against LB502.

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LATHROP: OK. I don't see any questions for you, but thanks for coming down today and for your service to our country. Good afternoon.

DENISE BRADSHAW: Good afternoon, my name is Denise Bradshaw, D-e-n-i-s-e B-r-a-d-s-h-a-w, speaking against LB502. But before I do that I want to thank and congratulate my state senator, Megan Hunt. I am a lifelong Nebraskan and until Megan came along I had no idea that I would ever be welcome at the Capitol and thank, thank you, Megan. You and I don't agree on this one but I want it for the record--

HUNT: Some things.

DENISE BRADSHAW: -- some things, absolutely. But I want it for the record that until Megan came along I never ever thought I would be here. Now to the point at hand. As I've told Megan before, I'm really just kind of a wallet kind of gal. Though I might agree with a lot of the other comments made, I'm coming down-- and did you get a copy, Megan?

HUNT: I'll have to make sure.

DENISE BRADSHAW: OK. I'm very concerned with this policy in regard to making it look like Nebraska is open for business for illegal aliens and the cost associated with it. The costs I have here from the Pew Research fund-- I sound so smart I looked it all up, the Pew Research Foundation and the Federation of American Immigration Reform. The costs are astronomical, and that is really what I'm very much worried about. I don't see how Nebraska, especially after we recently passed the Medicare for all Medicaid, for all where this money is coming from. This will make it much easier, almost more acceptable for a little illegal immigration, illegal immigration to Nebraska. And I don't think we can afford what we have now and afford what will be coming. And to the young man who talked about the fear he had when the police officer-- I know that fear. I got that call, too, on my daughter when she was apprehended. I don't, I don't see it as a race issue to be very honest with you. I know that fear as a mom when I got that call saying we have your daughter. If you live in a larger city, that's a fear and my heart stopped, too. So I understand what he said and what he felt because on that day I felt it, too. And that is unfortunately a reality especially-- I'll just say it, living in Omaha. It is a fear. It's a real fear. And that's why I can appreciate what he went through, because I did the same.

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LATHROP: OK.

DENISE BRADSHAW: I don't know what else to say except thank you very much for this opportunity and again thank you and Megan.

LATHROP: And we'll take a look at the material you dropped off, too. I do not see any other questions, but thanks for coming down.

DENISE BRADSHAW: Oh, thank you.

LATHROP: Good afternoon.

SUSAN GUMM: Good afternoon, Mr. Chairman and committee members. My name is Susan Gumm, S-u-s-a-n G-u-m-m. I oppose LB502. LB502 under the guise of improving public safety, is an impediment to the enforcement of federal immigration law and as a criminal illegal alien protection bill. Nebraskans will only be more safe and secure in their communities if law enforcement at all levels work together to enforce our immigration laws and detect and remove the illegal alien criminals. LB502 puts the interests of criminal illegal aliens above the safety of Nebraskans. And rather than improving public safety, LB502 would do just the opposite. Obstructing ICE's immigration enforcement efforts enables criminal illegal aliens to pose a dangerous threat to the public and to remain in our communities instead of being detected, arrested, and deported. Our state should help enforce not undermine, undermine the U.S. immigration laws enacted by our Congress to keep us safe and serve our national interest. Crime Reporting can be a problem in any place and is not confined to any one segment of the population. In fact, crimes may not be reported regardless of the victim's immigration status or ethnicity. Illegal aliens may not cooperate with police even in sanctuary jurisdictions because the vast majority come from countries where law enforcement is corrupt. Like any other victim or witness to a crime, illegal aliens can report crimes or offer information that may be valuable to police investigations through various anonymous tip lines. Illegal aliens who fall victim to criminals or witness a crime can receive visas that enable them to remain in the U.S. if they cooperate with the law enforcement authorities to help capture and convict those criminals. Too many lives have already been lost because of dangerous sanctuary policies. Kate Steinle's illegal alien killer admitted that he returned to San Francisco because it was a safe haven for criminals and he would not be pursued by immigration officials. Sanctuary policies help shield the operations of drug cartels, gangs, and terrorist cells, and undermine national security. Sanctuary poli--

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policies not only let the existing illegal aliens know they have no worries, but also becomes a welcome mat to thousands more. LB502 would make Nebraska complicit in protecting illegal aliens involved in a variety of criminal enterprises from being punished and deported. Sanctuary jurisdictions are the immigration equivalent of don't ask, don't tell and result in state and local agencies aiding and abetting illegal aliens. LB502 would protect individuals who have no right to be in Nebraska and who have-- may have violated additional laws besides U.S. immigration statutes in order to remain here. Other offenses may include driving without a license or insurance, false, forged, stolen IDs, benefits fraud, identity theft, and committing perjury on I-9 employment forms. Lawmakers should be protecting Nebraskans instead of impeding the apprehension and deportation of illegal alien criminals. I urge you to vote no on LB502.

LATHROP: Thank you.

SUSAN GUMM: You're welcome.

LATHROP: I see no questions for you.

SUSAN GUMM: Thank you.

LATHROP: Thanks for being here. Next testifier.

AMBER PARKER: Hello, my name is Amber Parker, Amber, A-m-b-e-r, Parker, P-a-r-k-e-r. I am here to testify as an opponent to LB502. Hello, Senator Hunt. I'm greatly concerned-- again, we, we have to make sure that we are willing to work together with law enforcement and ICE and there is a recruitment of popularity that seems to be growing. And I think if more millennials and Americans were informed they would be very concerned at-- for instance, somebody like freshman, she's a congressman, Alexandria Ocasio-Cortez, wanting to do away with ICE. And I want to tie this together because I just feel it's important to address why we need to work with our local enforcement and ICE. What does ICE do? You can go to ICE.gov. ICE stands for the United States Immigration Customs Enforcement. It talks about that-- one of the main things preventing terrorism, Counter-Proliferation Investigations Program, Counterterrorism and Criminal Exploitation Unit. I think it's very important and that's where-- the handout that I have given you. So I want to take it because it seems that a lot of demographics have been discussed here. But I want to discuss the demographics we haven't talked about. And I want to talk about that we need to make sure-- and I don't think

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Senator Hunt-- and I'd be glad to talk to her about this, too. I'm-- I pulled this together literally today because I thought this was of great importance to come here and testify against this. We want to make sure in the state of Nebraska-- we don't have sanctuary state policy. When we cut out communication when we're saying of, of status, does that now mean we have created the red tape to say to somebody-- sorry, that now because-- due to this we can't ask the questions and how does that communication then affect the communication to the federal level or the federal side to the state level. To me it's a level of red tape. And what I want to zero on, the designated foreign terrorist organizations-- the handout I gave to you, we need to be protected, we need to be protected from terror cells. We would be fools to think that there are not terror cells that want to come into the United States. And I'm greatly concerned with what we see happening in San Francisco and in those areas. And I think that terrorists are opportunists. And I want to be clear, because I'm sure many of the people here in this room are not terrorists. They don't have a heart to harm people. But there are people-- and when we look at legislation we have to look at A to B to C to D. And we got to ask ourselves what are those gray areas. And I thank, Senator Slama, for what she is addressing. My concern is that the lack of communication we have, the questions we have of what jurisdiction now that our law enforcement would have in communicating to ICE or ICE communicating to our law enforcement if that could be tied up in a court of law and all these things then we could be ignoring groups like Hamas, Hezbollah, Hizballah. We know of al-Qaeda. These, these groups are a dangerous threat to the United States of America. And I would hate to see a bill like LB502, which I believe would open the door to groups like that to create terror cells in these areas and create a network even with other states that would have--be sanctuary states them self.

LATHROP: Just a second to see if there's any questions--

AMBER PARKER: Yeah.

LATHROP: before you go. I don't see any questions for you today, but thanks for coming down.

AMBER PARKER: Thank you.

LATHROP: Is there anyone else here in opposition to LB502? Good afternoon.

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JOHN REID: Good afternoon, Senator Lathrop and committee members. Thank you for serving and doing the hard work that is all on our minds. If LB50-- oh, by the way my name's John Reid, J-o-h-n R-e-i-d, and if LB, LB502 becomes law. I think it would lead us to being a sanctuary state. All we need to do is look at history and we can see that it has been ongoing for nearly 50 years since the first sanctuary city in Berkeley, California in 1971. Since that time, it has grown into one of the largest domestic problems we have in the United States. We, we can no longer afford to kick the can down the road to the next generation of politicians. The time has arrived and we can no longer put patchwork legislation together to gain potential voters, promote low paying jobs and ideologies that are not conducive to our way of life in Nebraska and America. The illegal immigration problem we have in our country divides us and there is no reason to be where we are today. We are 2 years shy of 50 years ago in Berkeley, California. The problems that have grown from poor legislation and enforcement has had a proud-- a profound effect on our society-- our, our county, and our state. The magnet effect has increased illegal entry into a sovereign country and stretched our law enforcement to their limits. And at the same time has created chaos within our nation of laws. The resources and cost associate-- associated with housing, feeding, educating, are enormous. The added cost of healthcare and sheer numbers of people has taxed our medical resources. At this time-- as this has taken time, resources, and money away from other Americans. We are a compassionate country and go above and beyond what all other countries go. As we fast forward to today, we see over 500 cities, 8 states, and many other counties that would be designated as sanc-- sanctuary havens. To me this is a failure of government at all levels. We have done an injustice to all parties involved. LB502 doesn't get us there. The can that has been kicked down the road and run over numerous times and is flattened is dead and going nowhere. It is time to fix the problem and it starts with us in this Chamber, that includes me, my fellow citizens in this room, the senators on this Judiciary Committee. We are all culpable for our current state of affairs. There are many tough decisions that need to be made and not everyone will be happy. Do you have the will to make the correct decisions to start fixing this huge but correctable problem? Disaster is at our doorstep. We have unique opportunity in history to be part of this great solution or are we going to keep repeating the same old song and dance that has led us the last 50 years. I leave us with this: 2 Chronicles 7:14, if my people who are called by my name humble themselves, and we pray and seek his face and turn from our wicked ways, you will hear from heaven, he will forgive our sins and he will

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heal our land. Our land needs healing. It's all within us in this room,--

LATHROP: OK.

JOHN REID: --in front and in back. Thank you.

LATHROP: Thank you. I don't see any questions for you, Mr. Reid.

JOHN REID: OK.

LATHROP: Thanks for being here.

JOHN REID: Thank you.

LATHROP: Anyone else here to testify in opposition? Anyone here in a neutral capacity that wants to be heard? Good afternoon.

JACOB BISHOP: Good afternoon. So I just want to point out I'm normally a notetaker, but I figured it's the last day, so why not. My name is Jacob Bishop, J-a-c-o-b B-i-s-h-o-p. I am a senior at Nebraska Wesleyan University here in Lincoln. I just wanted to talk about a few things I heard throughout this. Senator Slama, your questions about kind of the conflicting state versus federal law stuff. I think you know more about that than you were letting on with the questions you were asking. But I would just say as a nonlaw student I'm not an expert but the federal government can't force the state to enforce federal laws. So if your concern is would we be in some sort of conflict with federal law by implementing this bill? I don't think so, in my nonexpert capacity. Another thing is, and I sincerely mean no offense by saying this, but the opposition to this bill seems a bit overdramatic. I think that there are legitimate concerns as far as immigration enforcement and stuff like that but the idea that somehow-- you know, the sky is gonna start falling because we won't let state law enforcement officers start asking people about immigration status is a little bit overdramatic. Something that I thought of, it would be nice if there are statistics-- I'm not sure but to see something on the comparison between how many undocumented immigrants are arrested by our state law enforcement versus by Immigration and Customs Enforcement-- just to have some sort of comparison on who's actually doing the majority of the enforcement. If it is the state law enforcement that's doing the majority of it, I think that that's a bit of a problem since it's a federal issue. And the last thing is based on my quick reading of the bill that I did in

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the last ten minutes, it doesn't seem like this bill would prohibit our state law enforcement from cooperating with ICE. Say-- you know, if, if someone from ICE called up-- say Superintendent Bolduc from the State Patrol, and said we're conducting this operation, we wanted to let you know and that we may ask for your help, that this bill would not prohibit them from doing that. So concerns about us not being able to enforce immigration laws, again, I don't really see how that's much of an issue. This is just about not letting law enforcement officers go around and ask people about their immigration status. So, thank you.

LATHROP: OK, thanks for being here--

JACOB BISHOP: Thank you.

LATHROP: --and for your testimony. Anyone else in a neutral capacity on LB502? Seeing none, Senator Hunt, before you close, we do have one letter of support and many letters in opposition. Too numerous to read, but they will be included in the record and have been and will be. With that, Senator Hunt, to close.

HUNT: Thank you, Chairman Lathrop and thank you to all of you for your stamina of this whole session. Thank you. I won't say more than that. All of this complexity in immigration policy, for example, Senator Slama's questions, and the conversation that she had back and forth with Ms. Godinez from the ACLU who is speaking as an attorney, an immigration attorney. I think that just points out why you don't want county sheriffs asking about immigration status. They don't want to do this. How are they going to figure this out? Are they just gonna hold people until they can do an investigation and figure out who's here legally or not? It's not really realistic and, quite simply, cops don't determine guilt or innocence on any law especially complex immigration laws during traffic stops. And so I think that we need to bring this back into the realm of reasonableness and, and what's really likely to happen. I'll also point out that no one from law enforcement testified in opposition to this. No police chiefs, no state troopers, Omaha Police Union. So I think that, that that's a good thing that shows the need that we have for more common sense policy with immigration and how it affects public safety. We heard a lot of anecdotes from opposition about the evil deeds of individual immigrant people and why we need protection from immigrants. That was a phrase that I heard several times, we need to be protected from immigrants. Well, we know that according to a literature review conducted out of Harvard University you can't-- you know, you can't

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swing a cat without hitting a research study that shows that immigrants are less likely to make crimes than native born people. And while they're less likely to make-- to commit crimes they're actually more likely to be victims of crimes. A February 2018 study from the Cato Institute found that undocumented immigrants were 25 percent less likely to be convicted of homicide than native born Americans. Legal immigrants were 87 percent less likely. So you can find study after study from reputable, academic, respected organizations that show that rates of immigration are not tied to an increase in crime. So that point of opposition while heard is not one that we should take seriously as lawmakers. A separate March 2018 study in the Journal of Criminology looked at whether violent crime increases as the number of immigrants living illegally in a community goes up. Researchers found that it does not. If anything the opposite is true. Violent crime appears to fall when more immigrants are living in a community. However, we do know that our current laws, as they relate to immigrants, impact public safety for everyone. When immigrants aren't comfortable interacting with law enforcement or reporting crimes, that hurts people who are here legally, too. According to a nationwide survey of prosecutors conducted by the ACLU and the National Immigrant Woman's Advocacy Project, fears of deportation and immigration consequences, it makes immigrants not even want to talk to law enforcement about things that they're facing. At least 7 percent of Nebraska residents are immigrants and they are the ones who are less likely to interact with the government because they're afraid of backlash and that's according to data from ACLU Nebraska. I also want to address comments that we heard from opposition that these are low-skilled people, that these are not desirable people to have in our community because they're low-skilled. Forty percent of Nobel Prize winners that were awarded in the United States were immigrants. Seventeen percent of the state of Nebraska's STEM professionals are immigrants. But my biggest concern here-- you know, so that's just really baseless, too, but my biggest concern with this bill and the reason I brought it is just ensuring access to justice however much as possible to people who are abused, people who are trafficked, people who are forgotten by our justice system, people who are afraid to go to court who have crimes perpetrated against them and sometimes are targeted as victims for these crimes because those who do it to them know they're not going to say anything. I brought this bill because I do have empathy for citizens for people who are here legally. And we know that when justice and access to the courts and access to, to safety isn't for everybody, it hurts everybody. When a woman can't talk to a cop about being a victim of trafficking because she's

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undocumented that makes all of us less safe. If this was my neighbor and she was being attacked that would affect me especially as a single parent with a young daughter at home, I would want that crime to be prosecuted. But in reality, that's less likely to happen because of the laws we have on the books. So we need to not only start a conversation about that but we have opportunities to take action about that. And I'm, I'm happy to work with, with the committee if there's compromises that we can find to make this workable for everybody. That's why I brought the bill. And with that, I'll close. Thank you.

LATHROP: Senator Chambers.

CHAMBERS: Senator Hunt, on Senator Vargas' bill, the colonel from the State Patrol spoke and he wasn't just outright against the bill he wanted clarification on what this term agreement meant and had some questions like that. I was saving my questions for law enforcement on your bill and if it was gonna hinder them so much if they couldn't do their job they would have been here. We have the police who testify on any number of bills. But on this one obviously they're not worried about it because they know it's not going to impact the legitimate work and that's why I didn't have any questions of the people. When people come to speak on bills they're entitled to say whatever they want to say and I won't question them unless they say something of significance that has merit or that bears directly on the issue. But when it's a political statement, well, that's what being allowed to testify is for. So don't think I had no interest in your bill.

HUNT: I don't think that. Thank you, Senator Chambers.

CHAMBERS: OK.

LATHROP: OK, Senator Hunt, I think that's it. Thanks for bringing LB502. For the benefit of the committee-- we have two more hearings left. And at the end of the hearings, I'd like to maybe get a quick pic so just not run off, that'd be great-- or return.

SLAMA: How long of a break?

LATHROP: We're not taking a break, we're gonna take a picture.

SLAMA: You're gonna take a picture of what?

LATHROP: At the end of the hearing.

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SLAMA: Does that seem like a good idea?

LATHROP: We do it all the time.

SLAMA: OK.

LATHROP: Yeah, just stick around.

SLAMA: It just documents [INAUDIBLE].

LATHROP: Our next bill up today is second to the last bill of the hearing season is LB353, and that brings us to Senator Pansing Brooks who is here and may open. Welcome.

PANSING BROOKS: Thank you, Chair Lathrop and fellow members of the Judiciary Committee. For the record, I'm Patty Pansing Brooks, P-a-t-t-y P-a-n-s-i-n-g B-r-o-o-k-s, representing District 28, right here in the heart of Lincoln. I appear before you today to introduce LB353 to enhance public safety at large university events by increasing available law enforcement resources. The bill allows police officers to work outside their primary jurisdiction as law enforcement officers for or with the University of Nebraska Police Department. Currently, University of Nebraska police jurisdiction is, is only within the county where an officer's campus is located on all properties owned or controlled by that campus or within the state of Nebraska for offenses originating on properties of that assigned-- officer's assigned campus. LB353 allows the University of Nebraska police and public safety departments to exercise appropriate jurisdiction and share personnel and resources among the campuses and to support other agencies as needed to increase public safety. The university is asking for these changes to give them greater flexibility to provide for public safety at large events including football game days. LB353 will provide better support for University of Nebraska employees, students, visitors, and property. Allowing the university to share personnel and resources, will make for more efficiencies and allow for enhanced security at large university events regardless of the location. LB353 will also clarify compliance obligations and specify that the university police must comply with reporting requirements for racial profiling and child abuse. The university is already voluntarily complying with these measures, but this bill confirms that the state reporting requirements will apply to the University of Nebraska Police Department and officers. LB353 also removes the need for the Nebraska State Patrol to issue state deputy sheriff commissions to the University of Nebraska police off--

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officers allowing the university to commission officers similar to the process used by municipal and county agencies in-- or the Nebraska State Patrol. In discussions with various stakeholders, it seems it may be necessary to make some technical changes to this bill. And we've spoken with the university and they are agreeable to work on those changes that are small, that will better fulfill the intent of this bill. I'm happy to bring an amendment for the committee to consider when we have something ready. In closing, I ask that you advance LB353 to General File, and I'll be happy to answer any questions that you may have, but there are university officials behind me who can provide more specifics. Thank you.

LATHROP: OK. [INAUDIBLE]

PANSING BROOKS: That was fast. Did you notice how fast that was?

LATHROP: That was fast. Thank you.

PANSING BROOKS: Oh.

LATHROP: Oh, I'm sorry, Senator Chambers.

CHAMBERS: Senator Pansing Brooks,--

PANSING BROOKS: Yes.

CHAMBERS: --this won't surprise you. I'm very skeptical, distrustful for the police, period. I want them to be tightly controlled. I see too many instances of them especially being able to do bad things to black people and getting away with it. If I have my glasses and a cop doesn't like me and he shoots me, he says, well, I thought, I thought he had a gun in his hand. They say, well, he thought he had a gun in his hand. There was a young black man in Chicago, and I'm mentioning these because they were caught on film. He was shot 16 times going away from a cop. They had to charge the cop because it showed that he was not threatened at all. Even the experts who usually support the police, but the other officers who wrote false accounts of what happened were all exonerated. I don't want to give them-- school police or anybody, any other police agency, any more authority than they have and I would like to restrict what they have. My only real contact with the University of Nebraska police was when Candice Harms was killed, and somebody said they saw her talking to a black student, so the university police started rounding up all the black students, and some of them came to my office for protection. They were

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threatened. They were told their parents were gonna be called to let them know what kind of problem these guys were causing, and I couldn't believe it at first. I believed it, but I mean it was incredible to me. Do the campus police take the same training at the Law Enforcement Center that all the other police officers do, the state troopers and the other police?

PANSING BROOKS: I, I believe they do, but I have an officer behind me, Senator Chambers. I would hope you would ask him about that.

CHAMBERS: I wanted to kind of lay the groundwork with you.

PANSING BROOKS: Yes.

CHAMBERS: Whoever speaks, can address what my concerns are.

PANSING BROOKS: OK, great.

CHAMBERS: OK.

PANSING BROOKS: Thank you.

LATHROP: I do not see any other questions, Senator.

PANSING BROOKS: Thank you.

LATHROP: We will take proponent testimony on LB353 at this time. Good afternoon.

OWEN YARDLEY: Good afternoon. My name is Owen Yardley. Oh, sorry, excuse me. Good afternoon, to members of the Judiciary. My name is Owen Yardley, O-w-e-n Y-a-r-d-l-e-y, and I serve as the chief of police for the University of Nebraska Police Department. On behalf of the university and our four campuses, I'm here today to support LB353, and we want to thank, Senator Pansing Brooks, for working with the university in bringing this proposal forward on our behalf. I have some material I was gonna read, but essentially I can sum that up by saying I'm-- I concur with the statements that Senator Brooks made to kind of shorten my testimony here.

CHAMBERS: Excuse me, could you speak a little louder?

OWEN YARDLEY: OK.

CHAMBERS: Move closer to the mike.

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OWEN YARDLEY: What I'll do is-- OK-- what I will do is shorten my testimony and just agree with what Senator Brooks has already said. Three, three areas that we were looking at for this is to provide us with more resources for some of our large events that we have trouble staffing is due to existing statutes, being able to provide better services when we do have our-- go to our properties throughout Nebraska, and we do have personnel and property-- personnel in 93 counties and property in over 20 counties around the state. So we do have sometime-- some times to go out to Western Nebraska and Central Nebraska on investigations. And the other one's to improve our ability to recruit and hire police officers, and it becomes more efficient when we're able to commission our own officers as opposed to the commissions that are provided by the State Patrol. So in summary, we're in support of this bill, and I'll be available for any questions you may have.

LATHROP: Senator Chambers.

CHAMBERS: In order that I can get clear what you're asking for, you-- where is your current police force located?

OWEN YARDLEY: Lincoln, Nebraska-- on the campus at downtown Lincoln.

CHAMBERS: Are they allowed to go beyond the campus environs and enforce the law?

OWEN YARDLEY: Currently under our commissions, there-- state deputy sheriff commissions that are issued by the State Patrol, full authority within Lancaster County, anywhere in the state where property is owned or controlled by the university or by UNL-- in our instance, for UNL, and anywhere those investigations would take us in the state. So essentially, right now it is, it is essentially statewide jurisdiction currently.

CHAMBERS: So where are-- where all in the state are officers from your police department located? And where would they operate, so that if I have something specific-- would there be any at Kearney?

OWEN YARDLEY: My department-- I'm, I'm with the University of Nebraska-Lincoln. Ours are only in Lincoln, UNL does have property throughout the state. Those are typically supported by the local agencies on immediate first response and to take incidents, but we do send officers out to do more complicated, longer-term investigations that occur on university property, and also to provide safety-- some,

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some security in instances where there may be some threatening behaviors going on. And we do, we do conduct threat assessments for protection of people and property. We do go and address those by working with the local agencies wherever those may occur as well.

CHAMBERS: Do you have marked police cars?

OWEN YARDLEY: Yes.

CHAMBERS: And they're always-- your officers are always in marked cars when they're out working?

OWEN YARDLEY: We do have investigators in plainclothes cars, too, similar to any other police department.

CHAMBERS: Do they leave the campus when they investigate these-- and these plainclothes people?

OWEN YARDLEY: When, when we're investigating cases, those originate from the university and, yes, they do go off to investigate those when they need to.

CHAMBERS: Do they make arrests away from the campus?

OWEN YARDLEY: Yes.

CHAMBERS: So then if a guy came up to me in plain clothes and was investigating me and he put his hands on me and I knocked him out and he turns out to be one of your cops, then I've assaulted an officer?

OWEN YARDLEY: Correct.

CHAMBERS: Does he or she have to show a badge or any identification?

OWEN YARDLEY: Yes, that's, that's under statute.

CHAMBERS: Do the Lincoln Police ask for these officers to assist them in their investigations?

OWEN YARDLEY: They have at times, yes.

CHAMBERS: Then maybe they ought to hire more officers. You heard what I said to Senator Pansing Brooks, I'm skeptical. What training do these officers get?

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OWEN YARDLEY: The same training any other officer does. They have to complete the academy at the Nebraska Law Enforcement Training Center in Grand Island, which takes about four months. Then we have a, a field training program when they come back which takes about another three months, and that's established off of recognized training guidelines. And a-- and then we have-- statute requires us to have 20 hours of--

CHAMBERS: Let me ask it like this,--

OWEN YARDLEY: OK.

CHAMBERS: --do they get the same law enforcement certificate that a police officer-- that police officers get?

OWEN YARDLEY: Yes.

CHAMBERS: So they are recognized as certified law enforcement officers, but their jurisdiction is limited to the campus and whatever you stated?

OWEN YARDLEY: They are commission certified law enforcement officers, and they do have the ability to go off campus when needed during the course of their investigations or duties.

CHAMBERS: Well, are there things off campus that involve students that the Lincoln Police and the Lancaster County Sheriff's Office are not handling properly.

OWEN YARDLEY: No, I would not say that.

CHAMBERS: Are they designed under this law to be supplementary law enforcement officers for the Lincoln Police and the Lancaster County Sheriff's Office Department?

OWEN YARDLEY: We have a MOU with both of those agencies. We define the primary jurisdiction that they have, but also the ability to assist each one of those agencies as well.

CHAMBERS: What would they be able to do under this that they cannot do now as far as the university's interest, because they're not city police, they're not county sheriff deputies, they are university police? What can they not do right now that they need to do to carry out those functions as university police?

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OWEN YARDLEY: One thing we can't do is support the other campuses. We're unable to-- for instance, our officers to go up to Omaha to support the University of Nebraska Omaha Police Department and vice versa.

CHAMBERS: So they want to go to Omaha and be cops also?

OWEN YARDLEY: No, what we would be doing is if there's some situations where they need assistance-- for instance, our football games. We need a lot of law enforcement to do that. We could have them come down and help us with the security on that. We do contract with Lincoln Police and the Sheriff's Office and the State Patrol to help us with those games. We have our own university resources that we can't use at this time. So that--

CHAMBERS: Excuse me, what kind of insurance do you have?

OWEN YARDLEY: I can't tell you for sure exactly the details of it, but it's law enforce-- it covers law enforcement officers the same as any other agency would. We have to provide certificates of insurance with our MOUs with all the other law enforcement agencies, same as they do.

CHAMBERS: Do you think you'll have 33 votes?

OWEN YARDLEY: I'm sorry, do I think what?

CHAMBERS: Never mind, that's code. [LAUGHTER] That's [INAUDIBLE]. I just wanted those things in the record, but I, I don't like the idea of Lincoln-- I meant the university police. Again, I have seen programs where the campus police have accosted blacks students, one was at Smith College which is sophisticated hoity-toity in a commons area outside, a black female student was studying, a white girl thought that she shouldn't be there, so she could summoned the campus police, and the black woman was taken into custody. On one of the-- what they call the Ivy League schools, a white woman saw a black woman at her door-- at the black woman's door, she wasn't aware that a black student should be there so she called the campus police and the black woman was taken into custody, interrogated and handled very, very poorly. I don't trust the police. I one time said, and I'm saying it again, I said it in the context of a-- and this was a white man in Omaha. He was surrounded by the Omaha Police. He was on the hood of the car that was parked getting ready to climb over a fence and he was shot in the back by an Omaha Police Officer. The officer said, because the man was unarmed that he couldn't see whether the man was armed or

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not, so he thought that this man was menacing two police officers who were in front of him. Now if those officers were menaced, they would've shot him. They didn't use their guns. He shot him in the back. And I was talking about that at a Judiciary Committee hearing, and it was one where a former senator who had been in the military wanted to allow people to carry concealed weapons in taverns. And I said, what did they need guns there for? I said you all associate with white people. Are you afraid of white people? You are that afraid of each other? He said, well, there's ISIS and there's al-Qaeda. And I said, so then you want to let these people carry guns in taverns in Nebraska because they're worried about ISIS? He said, well you know, they're dangerous. I said, well let me tell you one thing, ISIS has never come into our community-- have never done anything to us. White people don't understand an analogy. I said, the police are our ISIS. They're the ones we fear, and the white people ran and said, Chambers said that the police are like ISIS. They cut people's head off, and they added everything that ISIS is supposed to do. The legislators came back, and they stood up one after the other and attacked me, and I just stood there and listened to them. And then I said, if you all have had all these grievances, why didn't you say them to me and I'm gonna tie this up. So when they got through, I said, let me quote Santa Claus on what I think of what you said, Ho, Ho, Ho, Ho, Ho. I said that is nonsense. You don't understand an analogy. That's why it's pointless for black people to try to talk to white people. They deliberately misunderstand. They mention it, the white media will run off with it and not get the straight of it. Not one of them asked me a question. Apparently, not one of them was at the committee hearing. Now when I said that about the police are our ISIS, I gave concrete examples then, I'm giving you concrete examples now. And in case what I gave is not enough, a little black girl had the police called on her because she was selling bottled water on a street corner to try to get some money to go to a school function that she didn't have the money for. Some black men were sitting in one of these exotic coffee houses, Starbucks, waiting for their friends to come, and the manager called the police and the police took them into custody. There were some black families-- people in a park, public park, and it happened that there was a white woman there and she knows her kind. So she saw this white woman looking at them. So she said-- after it was over, she deliberately stayed there because she'd figured what was gonna happen. This white woman called the police, and the other white woman intervened. She said, all these people were doing-- they had a family picnic, they're doing what everybody else is doing, they're barbecuing. The white woman had to speak. The golf course where Tiger

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Woods and all these other people play golf, but where they didn't want black people to play golf, had a group of black women who were allowed to play golf there. There were some white men who felt they weren't moving fast enough so they called 911, and the police came. I don't trust the police. I don't want there to be more police with more jurisdiction and more authority. But I wanted to hear what was said on this bill and I haven't heard anything that made me feel that the Lincoln Police-- I meant the university police ought to be given wider jurisdiction, and by definition, more authority. If they want to be real cops, let them go get on Lincoln Police Force or the Lancaster County Sheriff's Office. And when people in the room, and I'm talking-- getting nervous-- see it does-- things-- what I'm talking about don't happen to white people. And when we try to tell them, they don't believe it. So I have to cut it off at the pass. I'm not gonna give additional arms to this octopus, so they can do what they want to with the bill. But I know what I'm gonna do with it if it gets on the floor, and they're going to hear a whole lot from me about the police and why I don't want to expand their jurisdiction. Let me tell you another thing, Nebraska's the only state in the union that requires innocent third parties hurt as a result of a police chase to be compensated. You know who got that bill through? I did. You know why I did it? Because there was a white school teacher. He was in South Omaha going home to his four children and wife, and the Omaha Police had a caravan of six cars chasing him. This guy went through a stop sign, hit the teacher's car and killed him. No white people said anything, I did. And I documented a case where the police had run through people's yards, knocked over their mailboxes, had damaged porches, had gone through backyards, and because there, there was a slope the undercarriage of the car scraped the ground off this slope as they went up it chasing somebody and they knew who the person was. And the thing that makes it even worse, they knew who he was because he had had his license lifted the day or two days before at the courthouse. They were at an eating establishment and they saw him getting into a car. You know what good police work would have been? To stop him right there. But instead they waited until he got in his car because they knew he didn't have a driver's license. They came in behind him and they turned on the lights and the chase was on, and that's when a caravan started. Police are not the heroes white people want to make them. Not every cop is bad. Not every one of any group is bad. Not all the people in ISIS did everything that all the ISIS people did. Not everybody who wore a German uniform during the war was a Nazi, but anybody who had an SS uniform, the skull, the Schutzstaffel, the death head, they were bad even though not all of

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them were Nazis. I'm telling you all these things because your communities are not menaced by those who protect and serve you. We have people who have legitimate complaints but they won't call the police because the police would as soon get into a conflict with the one who called him and take them under arrest as they would the person they were called to see. And if the person who made the call will let him know that the person is no longer here they want to arrest somebody, so they'll wind up in an argument and take the person to jail who called them. And I know these cases because I've got involved in some of them, and I'm gonna have more cops doing more of this. Now the Lincoln Police-- I meant the university police would know that Candice Harms was in classrooms with white men, talking to white men. They didn't touch one of them. Somebody saw her talking to a black student and they started rounding them all up. The description-- well, not the description, but the concept in the heads of the campus police was like, you might call an oversized house dress that a woman might wear, it covers everything and touches nothing. One of the young men was a tall willowy 800-- they called it 8-- 800-- 880 meters then, but anyway, 800 runner in track. Another was roly poly, they described him as looking like a bowling ball with legs. Another one was a football player, and if you put them all in a row no two of them look anything alike, but all of them were suspects. And it turned out that a white guy had done the murder, and he wasn't a student. You all come here, and if it was just white people, you wouldn't hear this because white people don't experience what we experience, and I don't want to say it behind your back. I don't want to act like I support it when I don't. I'm surprised that a bill like this would be brought with me on the committee, but they brought it and I'm gonna do my job. I think the police need to be restricted. They need to be put on a shorter leash. And when these cops can shoot down young black men in broad daylight in the back, like the one the other day. He was running, and a cop shot him. I think he hit him three times in the back, and he said he thought he saw a gun. And the guy's running from him, running from him. That may have been in Pittsburgh. That's where they're demonstrating most recently. Running from them, and he shot him, and they exonerated the white cop. Well, he thought he saw a gun. So what he thought became the reality, and another young black man is dead, another black family is in mourning. And white people have won again under the law-- under their law. The Ku Klux Klan don't have to wear hoods and pillowcases and sheets anymore. They wore-- they wear police uniforms. They wear judge's robes. They wear lawyer's outfits, and they dress just like you. They look just like you. They have jobs just like you. They sit in Legislatures, just like people here. And it

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behooves me the stand up for those people who are gonna be victims of them, because well-intentioned people-- people acting in good faith will bring a bill in good faith with the intent to have it do good things. But the Lincoln Police-- you all probably don't read the papers settled an excessive force case not too many days ago where the cops accosted some people and hurt them and lied about what they did. This is what you get when you come to a committee where I'm on it and you want to do something for the police and it's not the right thing. There were two Lincoln police officers caught on video using excessive force and staff members-- I don't remember the names of these places, but one was a place where poor people go to eat and stay a little while, and the staff were so outraged, they reported them to the police. But then police chief undertook an internal affairs investigation, and as cops could do then, he quit, so that there wouldn't be a record of firing. A second one had done something, he quit. He claimed that-- well he denied having pushed a guy and he got hurt and had to go to the hospital, but it wasn't like what the cop said, because they had him on video. They allowed him to resign. The Lancaster County Sheriff's hired one of them knowing this and the State Patrol hired the other one. And I filed a complaint with the sheriff, with the State Patrol, with the Doug-- Lancaster County Attorney. They said nothing's wrong, that's all right. And I had said in my letter to the State Patrol, these cops watch what happens and they're gonna see when you hire this guy knowing that he was under internal affairs investigation and was likely to be fired because they had him in video and he quit and the State Patrol hired him, that sets the standard for the State Patrol. And after that guy was hired, the State Patrol started doing things I hadn't seen them doing before. One of them-- they, they were chasing a car and they hit it, it flipped over and killed somebody and lied about what they did. But that was on their camera and the lies that were told and the investigator got involved. And while all that was going on, they had caught on their own camera, a man had been stopped for drunk driving or something-- it looked like a woman to me, but this person had gotten out of the car, the person was standing there and a state trooper came up and with the butt of a rifle smashed this person in the head, because they had been shown that brutal violent cops get away with it. And you know why I'm giving these cases, because they were all caught on film. There were others in Omaha, the cops came to a house and I don't know what started it, but the cop started grabbing people, throwing them on the street and beating them. They didn't realize that somebody across the street was filming it all. And when they ran into the house in front of which they were doing all this, there was a black woman sitting in

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a wheelchair, and they knocked her over out of the wheelchair, and a member of the family videoed that. And you know what the cops did? They became aware of that, so they took that out of the camera. But there was enough other evidence so that there were firings, but no convictions. And we in the black community saw all of that and saw how they were protected, and had it not been for the camera they'd have gotten away with it because they lie and they have been told by judges that they can lie. They have been told that they can lie, and I think you're aware of that. So cops use lies to extract information to get people to give false confessions. We had six of them do it in Beatrice, and there's a \$28 million judgment against that county. And they're down here going to ask my colleagues to let them levy the sales tax so they can start paying off that judgment. How do you think I feel watching all this? Suppose I were a Jew, and all that was happening to Jews. What do you think the difference would be? We know what it would be. And when these bills come, they're right up my alley. And if you were just a citizen, I wouldn't say all this to you. But you're the head of the department, and I want you to know how deep my opposition is where the police are concerned, why I'm skeptical, I'm mistrustful, and distrustful. And you won't be surprised when my colleagues send this to the floor, and I do what I do. But if it's not a priority bill, it's not gonna get heard anyway. And if it is a priority bill, the speaker knowing how I feel is not gonna put it up there too soon and block everything else. And that's all that I have, Mr. Chairman. I know you all said, oh, here we go again. And in my mind I said, um-hum, you got that right brother, and we'll go this way every time something like this comes, but I'm through.

LATHROP: OK. Senator DeBoer.

DeBOER: So where are you institutionally located right now? I know you're in Lincoln-- your department is, but institutionally, where are you located?

OWEN YARDLEY: Seventh-- 17th and R Street.

DeBOER: I guess, by that I mean, so you're not the-- it seems like you're going to become an independent police agency, and I want to know where you are now. So right now are you underneath the Lincoln City Police? Are you underneath the Lancaster County--

OWEN YARDLEY: Neither. We are the university police.

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DeBOER: So--

OWEN YARDLEY: It's, it's an independent department from the, from the city and Sheriff's Office.

DeBOER: So is that changing?

OWEN YARDLEY: No.

DeBOER: OK. All right, so-- I do want to look at Section 23, which is on page 32. It says here that basically there are three basic types of powers that are given. One, is to aid local and state law enforcement agencies. The second is, enforce state law and city and village ordinances. And the third is, enforce policies, bylaws, rules and regulations of the Board of Regents of the University of Nebraska and its campuses, whether or not violation thereof constitutes a criminal offense. So are you being given some kind of policing power to enforce-- I mean, it looks like you're being given policing power to enforce bylaws or rules. Is that correct?

OWEN YARDLEY: We would, we would have the same, the same authority, investigative powers that we do now.

DeBOER: OK. And can you give me an example of what some of these bylaws and rules are that you're given power to investigate?

OWEN YARDLEY: One thing we can assist in is an investigation of, say sexual assaults, where the victim may not want a criminal reported. We may still be able to assist that, and assist the Title IX Office in doing some things like that. Some other-- you know, policy violations that may go with the university where they need an investigation done on them.

DeBOER: So,--

OWEN YARDLEY: Be non-- for noncriminal.

DeBOER: --so it, it seems to me that a sexual assault would be a criminal act.

OWEN YARDLEY: It, it is but it may not be prosecuted depending on what the victim wants done. Sometimes they just would like it documented, so that they can make the decision up at a later time on whether they want it to be prosecuted.

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DeBOER: But that could happen whether or not-- I mean,-- OK. I think that's all I have, thank you.

OWEN YARDLEY: OK.

LATHROP: I don't see-- oh, go ahead.

OWEN YARDLEY: Could I have one chance to respond?

LATHROP: Yes.

OWEN YARDLEY: OK. Senator Chambers, it may surprise you that I believe our expectations for law enforcement are very, very similar. We try to be as-- and I want our department to be as professional as we possibly can. We're always trying to improve our profession and our department. We have-- one of the purposes for this statute is also to make sure that we are compliant and we are required to meet the reporting requirements of law enforcement. Right now according to the statutes, we're exempt from a lot of those including reporting-- law enforcement's reporting of child abuse, of law enforcement's reporting of racial profiling. Technically under statute, we're not required to do those. This would, this would mandate it for all the University Police Departments to actually do that. And we are totally compliant with all reportings to the Crime Commission that's statutorily required. We're doing that almost voluntarily for that because we, we know it's the right thing to do, and we want to make sure that we are held to that standard. We, we did attain accreditation, there's-- I think there was five agencies in the state that have law enforcement accreditation and we are one of them. And we've had that for four or five years now. Our officers, they are trained with all the other-- same as every other agency. In fact, our officers do regular training out at the Law Enforcement Training Center to support the training for other officers who are going through the academy. So we've-- we have some very well-trained people for that. And to make sure that we are doing things the right way, I was on the interim committee to develop the body-worn cameras statute. We have been using body-worn cameras for almost 14 years now, way more than any other agency in the state. And we have every one of our officers outfitted with that because we have expectations on how we want our officers to behave and how they want them-- how we want them to act. And that's one way that we can make sure that that's, that's occurring so we do a lot of things above and beyond to make sure that we are a professional department. And what we're doing is aboveboard and correct. And we feel that this would help us perform our jobs even better, improve the security and

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safety for those in Nebraska, not just in Lincoln where the campus is at with the students and employees, but for our employees and our students who travel statewide for university purposes, and also to assist those agencies when we go out and do investigations on university property throughout the state. We're also able to support those agencies, and sometimes they're very small and they, they appreciate the support that we can provide with them in making sure their community is safe, too. So, thank you.

LATHROP: Thank you.

CHAMBERS: One comment.

LATHROP: Sure, Senator Chambers.

CHAMBERS: Let's presume and assume that all of your officers behave in the way they should right now. I believe that the closer the contact with regular sworn officers, the city, and the sheriff's offices, the maxim comes into play, evil companions corrupt good manners. Your officers won't improve the conduct of those they go around, your officers will be infected by them. But I just don't want to see police power spread further in this society than it is already. But, I'm just one person.

OWEN YARDLEY: Yeah, and, and I would like to emphasize that essentially our powers are not changing and they have been like that since, I believe, 1969. So it's been a long standing--

CHAMBERS: They can take it other places where they can't take it now. Otherwise, there's no need for the bill. That's all that I have. Thank you.

LATHROP: Seeing no other questions, thank you for being here today.

OWEN YARDLEY: Thank you.

LATHROP: Next proponent. Good afternoon.

ERIN BUSCH: Good afternoon, members of the Judiciary Committee. My name is Erin Busch, E-r-i-n B-u-s-c-h, and I serve as the associate general counsel and director of university records for the University of Nebraska. I am here today in support of LB353, and will provide you with some background regarding the proposed legislation. On behalf of the university, I would like to thank Senator Pansing Brooks for her sponsoring this important legislation. Section 23 of LB353 contains a

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proposed new statute granting University of Nebraska police officers the power and authority of law enforcement officers and peace officers including the authority to aid state and local law enforcement agencies; enforce state law and city and village ordinances; and enforce the policies, bylaws, rules and regulations of the Board of Regents of the University of Nebraska and its campuses, whether or not a violation constitutes a criminal offense. LB353 requires that the University of Nebraska police officers must meet the same training requirements as any law enforcement officer in the state of Nebraska. Pursuant to the proposed statute, university police officers will also have the same responsibilities as other law enforcement officers in the state, which is currently not required, as Chief Yardley pointed out. Along with these responsibilities the proposed statute also gives university police officers the same rights, protections, and immunities afforded to other law enforcement officers and peace officers under state law. The proposed statute is based on an existing Kansas statute regarding university police officers, and also contains elements of Michigan statutes regarding university police officers. We have received some last minute questions regarding portions of the proposed legislation. We are willing to work with the committee, Senator Pansing Brooks, and any stakeholders on any concerns that are raised. Thank you for your time and consideration. I would be happy to answer any questions that you have.

LATHROP: Senator Chambers.

CHAMBERS: Just a comment. State troopers are stationed in the Legislative Chamber, but they don't enforce legislative rules. These guys enforce rules and regulations of the Board of Regents, so there's, there's too much intermixture, and it's not what it ought to be even right now in my opinion, but I'm not gonna interrogate you. That's all that I have, thank you.

LATHROP: I see no other questions for you, but thank you for being here today,--

ERIN BUSCH: Thank you.

LATHROP: --and for your testimony.

ERIN BUSCH: Thank you.

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LATHROP: Anyone else here as a proponent of LB353? Seeing none, anyone here in opposition? Anyone here in a neutral capacity?

SPIKE EICKHOLT: Good evening, Chairman Lathrop and members of the committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t, appearing on behalf of the ACLU Nebraska in a neutral capacity. The bill caught our eye because of the underlying subject matter. I did meet with Senator Pansing Brooks, I think last week, and then again a couple of times this week. As to the intent of the bill, we're not opposed to at least the stated intent of the bill to make it easier for the University Police Department to handle large university events. There are a couple of parts-- of the parts of the bill that we actually do support, and that is the statutory requirement that the University Police Departments abide by the racial profiling statutes, the body camera policy, and the eyewitness standards policy. It sounds like from Chief Yardley, they're doing that now essentially-- voluntarily, but the statutory changes would require that. The concerns that we have is perhaps something that is not intended, or maybe, I admit, I'm just reading this wrong. If you look at page 32 and 33, that Section 23, that Senator DeBoer asked about, and what she highlighted earlier is something that we also caught. But if you look at specifically on page 32, starting at lines 14, is sort of the new section that states that all university police officers at all the campuses have the following authorities to enforce state laws and then it delineates where the university law enforcement officers would have that authority. On Page 32, line 27, it states: "including, but not limited to." That language is troublesome to us because that means everything that's in the statute, plus even more somewhere else. But if you look at it on sub (a) and sub (b) that seemingly limits it to places where the university or the Board of Regents owns property or operates property. If you look at page 33, line 8, there's a sentence that says, when there is reason, "when there is reason to believe that a violation of state law or a city or village ordinance has occurred." I think if you've read that literally that means they can violate or investigate violations of state law anywhere. It looks like the next sentence tries to narrow that to property-- to the property requirement or the university function requirement. But I think if you read that particularly with the included, but not limited to, what it might make-- maybe it's inadvertent. Again, maybe we're reading it wrong, it might make this sort of a statewide police department, and I don't think that's a statement intent of the bill, which is why we're neutral on it. That, and what Senator DeBoer mentioned earlier, is the reason for our concerns. And that's-- even though I did talk to

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Senator Pansing Brooks about this, and I mentioned it to the university folks, I, I wanted to state it on the record so it was clear what our position was, and we're willing to work with the introducer, and anyone else who cares to work with us.

LATHROP: Very good. Is that all your testimony?

SPIKE EICKHOLT: I think so.

LATHROP: I'm not interrupting. OK. I don't see any questions for you today, but thank you for your neutral testimony. Anyone else here in a neutral capacity? Seeing none, Senator Pansing Brooks to close.

PANSING BROOKS: Thank you.

LATHROP: There are no letters by the way.

PANSING BROOKS: Yeah, thank you very much, Chairman Lathrop. So just to summarize and I, I do appreciate that Mr. Eickholt came up and discussed page 33. As I mentioned in my opening, there was that concern brought to us. And I said, I'd be willing to make an amendment on that, so I don't think that's a problem. And, and what I want to reconfirm is that this is about efficiencies and maybe it's better that the university continues to hire Lincoln Police Department. But again, the Lincoln Police Department doesn't understand the rules of the Board of Regents necessarily. When you're talking about those rules, some of the rules include, you can't have alcohol on campus even if you're 28 years old. You can't have alcohol in the stadium. So those are violations that are part of the rules of the University of Nebraska. You can't have porn on certain computers at school that are school computers. So those are rules promulgated by the Board of Regents which all students sign, and, I, I don't know that it's exactly a law violation but it is something that the university police would investigate and look at. So again if those laws are promulgated-- or those rules are promulgated by the university, then all of the jurisdictions where, where the university police are, are, are working, University of Nebraska Kearney, University of Nebraska Omaha, University of Nebraska Medical Center, University of Nebraska-Lincoln. All of those places, they understand those rules and work with those rules as university police. Now what's happening is they're just bringing in county officers who aren't necessarily familiar with sorority rules or fraternity rules or what's going on specifically at the university. So if the University of Nebraska-- this is how it was all explained to me and why I took this bill. I'm

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totally aware of and concerned about the overarresting of people of color, of people-- of the overrepresentation in our community-- in our corrections facility-- facilities of people of color. But if there are efficiencies where people who are trained to handle these students are able to come from Kearney to supplement the University of Nebraska-Lincoln's Husker game days, then to me those efficiencies and those dollar savings are better than trying to hire in LPD, and trying to hire in Lancaster County Sheriff people. So that's, that's why I took this bill. I believe there are complete efficiencies. This is not about hiring more police. In fact, it's, it's about not hiring the police. It's about using police who are used to kids, used to training, and having them come in with that training and deal and, and help supplement what's already going on in a very large game-day situation or up at the Baxter Arena. That's what this is about. So Senator Chambers asked the key question, what can't you do? And what they cannot do right now is provide additional support for the other campuses. So that's what this bill is about. That's why I brought it. I didn't bring it to give more police powers. I really got it so that they can more seamlessly work together across their campuses. So, thank you. Yes.

LATHROP: Senator Chambers.

CHAMBERS: Do they have arrest authority?

PANSING BROOKS: Yes, they do.

CHAMBERS: My case is-- let me ask you this. Is there a rule against cheating that the Board of Regents have put in place?

PANSING BROOKS: There is, but they don't arrest for cheating.

CHAMBERS: How do you know?

PANSING BROOKS: I don't know, Senator Chambers. I just--

CHAMBERS: You assume.

PANSING BROOKS: OK, maybe they do.

CHAMBERS: I don't know whether they do either, but we don't know.

PANSING BROOKS: But is there a law that says-- there's-- you, you can't cheat it, it's a violation of the, of the code at, at the

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university. You might get kicked out for cheating, but you're not gonna get arrested and sent into prison for cheating.

CHAMBERS: Senator DeBoer pointed out-- you know, rules and regulations of the Board of Regents.

PANSING BROOKS: Absolutely, that's what I'm talking about, too.

CHAMBERS: Cheating would be based on a position-- they've taken on those things--

PANSING BROOKS: No, but it's talking about, it's talking about alcohol on a dry campus.

CHAMBERS: Is that what it says?

PANSING BROOKS: Those are violations that you could be arrested for, I presume, because you're disseminating.

CHAMBERS: Is that what it says?

PANSING BROOKS: It doesn't say that specifically. Thank you for that, smarty, you little-- yes, Senator DeBoer, or--

LATHROP: We got one and a half more hearings, hang on. [LAUGHTER] Senator DeBoer. We've done a great job. I'm about to compliment this committee as soon as this bill's over, and before we get to Wayne's bill. Senator DeBoer had a question, I think.

PANSING BROOKS: Yes, so did Senator Brandt. That's why I was--

LATHROP: I know but he was-- he raised his hand after Senator DeBoer.

DeBOER: I'll probably ask it better and we probably got the same question so, no.

PANSING BROOKS: Oh, probably.

DeBOER: No. So is the, the grant of power to the University of Nebraska-- let's say Lincoln Police, currently statutory or is it housed somewhere else? Where do they get their power from currently?

PANSING BROOKS: Currently from the-- it is statutory. But I can't tell you where.

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DeBOER: OK, because it's just not part of what we have in front of us.

PANSING BROOKS: Yeah, OK. I'll get that to you.

DeBOER: And is the grant of the power that is given to them-- these same things to aid the state and local officials? I had written it down, but I've lost my sheet now, to enforce the policies, to enforce--

LATHROP: Let the roll reflect that the university people are all sitting in the back nodding their heads in different directions.
[LAUGHTER]

PANSING BROOKS: OK, perfect. Yeah, it's perfect. Oh, it's commissioning from the State Patrol, it's commissioning from the State Patrol.

DeBOER: There we go, that's what I wanted to know.

PANSING BROOKS: The language is the Special State Deputy Sheriff to enforce laws of the state within Lancaster County on all properties owned or controlled by the University of Nebraska-Lincoln and the state of Nebraska for, for offenses originated on said-- originating on said properties.

DeBOER: OK, so it's currently housed essentially under the State Patrol?

PANSING BROOKS: Yes.

DeBOER: OK. And this takes it out of that housing into its own unique body?

PANSING BROOKS: Yes, and they worked with the Crime Commission. The Crime Commission was fine, the Nebraska State Patrol was fine. Senator Chambers is evidently not fine. But--

DeBOER: But-- OK, so,--

LATHROP: I think that's a fair statement.

PANSING BROOKS: Yes.

DeBOER: --so the, the powers that they currently have, do they mirror this language which you've put in here on pages 32 and 33?

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PANSING BROOKS: Do they mirror that language, the current powers?

_____ : The language is a little different.

DeBOER: I can ask--

PANSING BROOKS: The language is a little bit different, I am understanding from--

DeBOER: I can also ask you, could you provide that,--

PANSING BROOKS: We could get a copy of that to you, so that will be what we'll do.

DeBOER: --could you provide that information to the committee?

PANSING BROOKS: I'd be happy to.

DeBOER: Thank you, Senator Pansing Brooks.

PANSING BROOKS: You're welcome.

DeBOER: All right, that's all I have.

LATHROP: Senator Brandt.

BRANDT: Thank you, Chairman Lathrop. Thank you, Senator Pansing Brooks. And sort of along the same line-- as a halfway point, I guess. Rather than grant them all these new powers to enable them to do-- to cross over, it sounds like a large part of what they want to do is, is game day, you have 90,000 people, and they're partying, and, and we know all the problems associated with that.

PANSING BROOKS: Um-hum.

BRANDT: Is there an easier way for the State Patrol or the Regents to make one police department for the university without granting them these powers to say that an officer in Kearney and UNO and UNL is the same officer, but by doing that they can come and help with game day but not have expanded powers that Senator Chambers is concerned about?

PANSING BROOKS: Well, that's a really good idea. That's what we're attempting to do. We tried it this way. We can look at it another way. Thank you.

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BRANDT: OK.

LATHROP: I think that's it.

PANSING BROOKS: Wow. Good.

LATHROP: All right, that'll close our hearing on LB--

PANSING BROOKS: Happy about that one. OK.

LATHROP: Before, Senator Wayne, introduces the last bill of the day, LB658, I just want to take a moment because this is our last day. We're about to hear our last bill which I don't think has any opponents, proponents, or neutral.

WAYNE: [INAUDIBLE] [LAUGHTER]

LATHROP: I just want to say-- you know, this committee, this committee traditionally gets some of the thorniest issues. We get some of the difficult social issues. We've dealt with things from LGBT issues, immigration today. We've dealt with law enforcement, corrections issues. And I have to tell you, I am really, really impressed with how everybody has conducted themselves on this committee. We have a difference of opinion ideologically, there are difference of opinions on this committee, but I think the committee has acted with great professionalism in a year when we've taken on probably pretty close to a record number of bills and I'm proud to say that every single person that showed up this year had their moment at the mike. And I just want to thank everybody for their work on the committee. We still have work to do, of course, putting bills together and supporting what we do on the floor. But thanks, and after this we will be done with committee hearings. I do want-- I would like everybody to stick around including the pages maybe for a picture just to sort of have a, a moment.

WAYNE: We should call Senator Hunt's staff, she has a camera up there. Never mind, I'll be quiet. [LAUGHTER]

LATHROP: With that, we'll open up on LB658. I didn't say we're gonna tweet or anything. [LAUGHTER]

WAYNE: Welcome. Thank you, Senator-- Chair-- Chairman Lathrop. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent District 13. This bill was introduced as a shell bill for the unions and the state

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Crime Commission to come to an agreement. They have not. So we will introduce a new bill next year. And with that, I waive my closing.

LATHROP: Might be premature. Anybody here in support of LB658? Anybody here in opposition? Anyone in a neutral capacity? Seeing none, there are no letters and that'll close our hearing on LB658. Thanks, again.