

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1184

FINAL READING

Introduced by Geist, 25; Bostar, 29.

Read first time January 19, 2022

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to law enforcement; to amend section 81-2009,
- 2 Reissue Revised Statutes of Nebraska; to change provisions relating
- 3 to the duty of the Attorney General to defend the Nebraska State
- 4 Patrol; to provide procedures for agency counsel; and to repeal the
- 5 original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-2009, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 81-2009 (1) The Attorney General, or a member of his or her staff,
4 ~~or a practicing attorney designated by the Attorney General,~~ shall defend
5 all civil ~~and criminal~~ actions instituted against the Superintendent of
6 Law Enforcement and Public Safety ~~superintendent~~ or any subordinate
7 officer or employee of the Nebraska State Patrol arising from ~~their~~
8 employment by the patrol.

9 (2) In any instance in which the actions or omissions of an officer
10 or employee of the patrol are the subject of an inquiry by a grand jury
11 or prosecutor, the officer or employee of the patrol shall be defended by
12 the Attorney General or a member of his or her staff or, in the event of
13 a conflict of interest for the Attorney General, a private practice
14 attorney chosen by the officer or employee of the patrol. Reasonable
15 attorney's fees and costs shall be paid pursuant to section 81-8,239.02.

16 (3) (2) The superintendent shall provide not less than three agency
17 legal counsels stationed with the Nebraska State Patrol to assist county
18 attorneys in the preparation of cases involving drug abuse and to advise
19 the patrol on all legal matters. Agency counsel shall not represent
20 individual officers or employees of the patrol whose actions or omissions
21 are the subject of inquiry by a grand jury or prosecutor. Agency counsel
22 may advise officers or employees of the patrol who are serving as
23 investigators for a grand jury or a prosecutor.

24 Sec. 2. Original section 81-2009, Reissue Revised Statutes of
25 Nebraska, is repealed.