

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 138

Introduced by Vargas, 7.

Read first time January 07, 2021

Committee: Judiciary

1 A BILL FOR AN ACT relating to immigration; to require law enforcement
2 agencies, jails, and the Nebraska State Patrol to provide notice
3 prior to entering into agreements to enforce federal immigration
4 law; to require law enforcement agencies and jails to provide
5 information to the Nebraska Commission on Law Enforcement and
6 Criminal Justice; to provide the Auditor of Public Accounts with
7 authority to conduct audits of noncomplying law enforcement
8 agencies, jails, political subdivisions, and the patrol.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. For purposes of sections 1 to 3 of this act:

2 (1) Commission means the Nebraska Commission on Law Enforcement and
3 Criminal Justice;

4 (2) Jail includes a city or county jail;

5 (3) Law enforcement agency means a police department, a town
6 marshal, or the office of sheriff, but does not include the Nebraska
7 State Patrol;

8 (4) Meeting has the same meaning as in section 84-1409; and

9 (5) Public agency means the United States, any state, county, or
10 municipality and any branch, subdivision, board, commission, department,
11 agency, or other instrumentality of such entities.

12 Sec. 2. (1)(a) Beginning September 15, 2021, a law enforcement
13 agency or jail shall, before becoming a party to an agreement with any
14 other public agency to enforce immigration law or to investigate,
15 interrogate, detain, detect, or arrest persons for immigration
16 enforcement purposes pursuant to such agreement, notify the governing
17 body of any political subdivision overseeing such law enforcement agency
18 or jail, in writing, at least thirty days prior to entering into such
19 agreement. The notice shall be filed with the governing body and the
20 governing body shall include the notice in the agenda of subjects of the
21 next regularly scheduled public meeting of the governing body. This
22 section does not apply to agreements between public agencies, including
23 the United States Department of Homeland Security, relating to
24 investigating violations of and enforcing laws prohibiting human
25 trafficking.

26 (b) If a law enforcement agency or jail entered into an agreement
27 described in subdivision (1)(a) of this section prior to September 15,
28 2021, such law enforcement agency or jail shall notify the governing body
29 of any political subdivision overseeing such law enforcement agency or
30 jail, in writing, on or before October 15, 2021. The notice shall be
31 filed with the governing body and the governing body shall include the

1 notice in the agenda of subjects of the next regularly scheduled public
2 meeting of the governing body.

3 (2) Within sixty days after entering into an agreement described in
4 subdivision (1)(a) of this section or, for an agreement described in
5 subdivision (1)(b) of this section, on or before November 15, 2021, a law
6 enforcement agency or jail shall provide the following information to the
7 commission:

8 (a) A written copy of any such agreement;

9 (b) A written copy of the notice delivered under subsection (1) of
10 this section; and

11 (c) A written copy of minutes of any public meeting pertaining to
12 the agreement as provided in section 84-1413.

13 (3) If a law enforcement agency or jail fails to provide the
14 information required by this section, the Auditor of Public Accounts may,
15 at the auditor's discretion, conduct an audit of such law enforcement
16 agency or jail or the political subdivision overseeing such law
17 enforcement agency or jail. The expense of such audit shall be paid by
18 the political subdivision.

19 Sec. 3. (1)(a) Beginning September 15, 2021, the Nebraska State
20 Patrol shall, before becoming a party to an agreement with any other
21 public agency to enforce immigration law or to investigate, interrogate,
22 detain, detect, or arrest persons for immigration enforcement purposes
23 pursuant to such agreement, notify the Judiciary Committee of the
24 Legislature and the commission, in writing, at least thirty days prior to
25 entering into such agreement. The notice to the Legislature shall be
26 submitted electronically. The notice shall be filed with the commission,
27 which shall include the notice in the agenda of subjects of the next
28 regularly scheduled public meeting of the commission. This section does
29 not apply to agreements between public agencies, including the United
30 States Department of Homeland Security, relating to investigating
31 violations of and enforcing laws prohibiting human trafficking.

1 (b) If the Nebraska State Patrol entered into an agreement described
2 in subdivision (1)(a) of this section prior to September 15, 2021, the
3 patrol shall, on or before October 15, 2021, notify the Judiciary
4 Committee of the Legislature and the commission, in writing. The notice
5 to the Legislature shall be submitted electronically. The notice shall be
6 filed with the commission which shall include the notice in the agenda of
7 subjects of the next regularly scheduled public meeting of the
8 commission.

9 (2) If the Nebraska State Patrol fails to provide the information
10 required by this section, the Auditor of Public Accounts may, at the
11 auditor's discretion, conduct an audit of the patrol. The expense of such
12 audit shall be paid by the patrol.