

AMENDMENTS TO LB784

Introduced by Judiciary.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** Section 23-1701, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 23-1701 (1) It is the duty of the sheriff to serve or otherwise
6 execute, according to law, and return writs or other legal process issued
7 by lawful authority and directed or committed to the sheriff and to
8 perform such other duties as may be required by law. The county sheriff
9 shall prepare and file the required annual inventory statement of county
10 personal property in his or her custody or possession as provided in
11 sections 23-346 to 23-350.

12 (2) Except as provided in subsections ~~subsection~~ (3) and (4) of this
13 section, a sheriff ~~elected after November 1986~~ need not be a resident of
14 the county when he or she files for election as sheriff, but a sheriff
15 shall reside in the a county for which he or she holds office.

16 (3) This subsection applies to a county that does not contain a city
17 of the metropolitan, primary, or first class. The sheriff need not be a
18 resident of the county when he or she files for election as sheriff of
19 such county, but when holding office, such sheriff shall reside in such
20 county or an adjoining county.

21 (4) (3) If there is no county sheriff elected pursuant to section
22 32-520 or if a vacancy occurs for any other reason, the county board of
23 such county may appoint a law enforcement officer qualified pursuant to
24 section 23-1701.01 from any Nebraska county to the office of county
25 sheriff. In making such appointment, the county board shall enter into a
26 contract with the appointed county sheriff, such contract to specify the
27 terms and conditions of the appointment, including the compensation of

1 the appointed county sheriff, which compensation shall not be subject to
2 sections 23-1114.02 to 23-1114.06.

3 **Sec. 2.** Section 23-1701.01, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 23-1701.01 (1) Any candidate for the office of sheriff and any
6 sheriff appointed under subsection (4) ~~(3)~~ of section 23-1701 shall
7 possess a law enforcement officer certificate or diploma issued by the
8 Nebraska Commission on Law Enforcement and Criminal Justice. A
9 standardized letter issued by the director of the Nebraska Law
10 Enforcement Training Center certifying that the candidate or appointee
11 was duly issued such certificate or diploma shall be filed by a candidate
12 with the candidate filing form required by section 32-607 and by an
13 appointee with the contract entered into under section 23-1701.

14 (2) Each sheriff shall attend the Sheriff's Certification Course
15 conducted by the Nebraska Law Enforcement Training Center and obtain a
16 certificate awarded by the Nebraska Commission on Law Enforcement and
17 Criminal Justice attesting to satisfactory completion of such course
18 within eight months after taking office unless such sheriff has already
19 been awarded a certificate by the commission attesting to satisfactory
20 completion of such course or unless such sheriff can demonstrate to the
21 Nebraska Police Standards Advisory Council that his or her previous
22 training and education is such that he or she will professionally
23 discharge the duties of the office. Any sheriff in office prior to July
24 19, 1980, shall not be required to obtain a certificate awarded by the
25 commission attesting to satisfactory completion of the Sheriff's
26 Certification Course but shall otherwise be subject to this section.

27 (3) Each sheriff shall attend continuing education as provided in
28 section 81-1414.07 each year following the first year of such sheriff's
29 term of office.

30 (4) Unless a sheriff is able to show good cause for not complying
31 with subsection (2) or (3) of this section or obtains a waiver of the

1 training requirements from the council, any sheriff who violates
2 subsection (2) or (3) of this section shall be punished by a fine equal
3 to such sheriff's monthly salary. Each month in which such violation
4 occurs shall constitute a separate offense.

5 **Sec. 3.** Section 23-1717, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 23-1717 (1) Except as otherwise provided in subsections (2) and (3)
8 of this section, county County sheriffs and their deputies, when on duty,
9 shall:

10 (a) Be be dressed in a distinctive uniform that is approved by the
11 sheriff and that meets the requirements of , ~~as described in~~ section
12 23-1719; and

13 (b) Display display a badge of office as described in section
14 23-1719. ÷

15 (2) The Provided, the wearing of such uniform and badge shall be
16 discretionary at the option of the sheriff when he or she or his or her
17 deputies are engaged in special investigations or mental patient
18 assignments. ÷

19 (3) Special and provided further, that special deputies appointed by
20 the sheriff shall be excluded from the requirements of this section.

21 **Sec. 4.** Section 23-1719, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 23-1719 (1) The uniform required by section 23-1717 shall be at the
24 discretion of the sheriff and may be separated into classes to best fit
25 the needs of each sheriff. Any such uniform shall be readily
26 distinguishable from the uniform of other law enforcement agencies in the
27 State of Nebraska. ÷

28 (2) The Class A or dress uniform for a county sheriff or their
29 deputies and shall consist of:

30 (a) Brown felt campaign hat, center crease in sheriff or western
31 style;

- 1 (b) Brown straw campaign hat, center crease in sheriff or western
2 style;
- 3 (c) Chocolate brown color shirt with either long or short sleeves
4 depending on season;
- 5 (d) Pink tan color trousers in appropriate seasonal weights;
- 6 ~~(e) Pink tan color skirts in appropriate seasonal weights;~~
- 7 ~~(e)~~ (f) Pink tan color necktie;
- 8 ~~(f)~~ (g) Shoes or boots in the same color as the leather worn;
- 9 ~~(g)~~ (h) Chocolate brown color service jacket, zipper front with
10 badge or insignia approved by the sheriff holder;
- 11 ~~(h)~~ (i) Hip-length year-round outer jacket, dark brown in color;
- 12 ~~(i)~~ (j) Badge bearing state or state seal, rank, and county:
- 13 (i) Gold in color for sheriff and deputies of the rank of sergeant
14 or above;
- 15 (ii) Silver in color for deputies under the rank of sergeant; and
- 16 (iii) Consisting of seven-point star;
- 17 ~~(j)~~ (k) Collar ornaments:
- 18 (i) Gold for sheriff and deputies of the rank of sergeant or above;
19 and
- 20 (ii) Silver for deputies under the rank of sergeant;
- 21 ~~(k)~~ (l) Shoulder emblem to be worn on upper sleeve and include
22 sheriff's office or department and county name - design optional;
- 23 ~~(l)~~ (m) Leather to be either brown or black at the individual
24 department's choice; and
- 25 ~~(m)~~ (n) Brown winter cap with flap.
- 26 (3) The Class B or patrol uniform for a county sheriff or their
27 deputies shall consist of:
- 28 (a) Black or any variation of brown hat, depending on the season;
- 29 (b) Black or any variation of brown color external carrier, with
30 badge;
- 31 (c) Black or any variation of brown color shirt with either long or

1 short sleeves depending on season;

2 (d) Black or any variation of brown color trousers in appropriate
3 seasonal weights;

4 (e) Black or any variation of brown color shoes or boots;

5 (f) Black or any variation of brown color jacket, with a badge or
6 insignia approved by the Sheriff;

7 (g) Badge bearing state or state seal, rank, and county:

8 (i) Gold in color for sheriff and deputies of the rank of sergeant
9 or above;

10 (ii) Silver in color for deputies under the rank of sergeant; and

11 (iii) Consisting of seven-point star;

12 (h) Shoulder emblem to be worn on upper sleeve and include sheriff's
13 office or department and county name - design optional; and

14 (i) Leather to be either black or any variation of brown at the
15 individual department's choice.

16 (4) The honor guard or color guard uniform for a county sheriff or
17 their deputies shall consist of:

18 (a) Any variation of brown color campaign hat, center crease in
19 sheriff or western style;

20 (b) Any variation of brown color uniform jacket;

21 (c) Any variation of brown color pants;

22 (d) Black leather shoes or boots;

23 (e) Shoulder emblem to be worn on upper sleeve and include sheriff's
24 office or department and county name - design optional; and

25 (f) Badge bearing state or state seal, rank, and county:

26 (i) Gold in color for sheriff and deputies of the rank of sergeant
27 or above;

28 (ii) Silver in color for deputies under the rank of sergeant; and

29 (iii) Consisting of seven-point star.

30 (5) ~~(2)~~ Uniforms shall be purchased directly from the supplier or
31 suppliers with whom the Department of Administrative Services has

1 contracted.

2 ~~(6)~~ ~~(3)~~ A committee from the Nebraska Sheriffs' and Peace Officers'
3 Association shall assist the Department of Administrative Services in
4 developing specifications and selecting material for the uniforms.

5 **Sec. 5.** Section 32-604, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 32-604 (1) Except as provided in subsection (2) or (4) of this
8 section, no person shall be precluded from being elected or appointed to
9 or holding an elective office for the reason that he or she has been
10 elected or appointed to or holds another elective office.

11 (2) No person serving as a member of the Legislature or in an
12 elective office described in Article IV, section 1 or 20, or Article VII,
13 section 3 or 10, of the Constitution of Nebraska shall simultaneously
14 serve in any other elective office, except that such a person may
15 simultaneously serve in another elective office which is filled at an
16 election held in conjunction with the annual meeting of a public body.

17 (3) Whenever an incumbent serving as a member of the Legislature or
18 in an elective office described in Article IV, section 1 or 20, or
19 Article VII, section 3 or 10, of the Constitution of Nebraska assumes
20 another elective office, except an elective office filled at an election
21 held in conjunction with the annual meeting of a public body, the office
22 first held by the incumbent shall be deemed vacant.

23 (4) No person serving in a high elective office shall simultaneously
24 serve in any other high elective office, except that (a) a county
25 attorney may serve as the county attorney for more than one county if
26 appointed under subsection (2) of section 23-1201.01 and (b) a county
27 sheriff may serve as the county sheriff for more than one county if
28 appointed under subsection ~~(4)~~ ~~(3)~~ of section 23-1701.

29 (5) Notwithstanding subsection (4) of this section, any person
30 holding more than one high elective office upon July 15, 2010, shall be
31 entitled to serve the remainder of all terms for which he or she was

1 elected or appointed.

2 (6) For purposes of this section, (a) elective office has the
3 meaning found in section 32-109 and includes an office which is filled at
4 an election held in conjunction with the annual meeting of a public body
5 created by an act of the Legislature but does not include a member of a
6 learning community coordinating council appointed pursuant to subsection
7 (5) or (7) of section 32-546.01 prior to January 5, 2017, and (b) high
8 elective office means a member of the Legislature, an elective office
9 described in Article IV, section 1 or 20, or Article VII, section 3 or
10 10, of the Constitution of Nebraska, or a county, city, community college
11 area, learning community, regional metropolitan transit authority, or
12 school district elective office.

13 **Sec. 6.** Section 81-1414.07, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 81-1414.07 (1)(a) In order to maintain his or her professional
16 status and serve the law enforcement profession, the community, and the
17 residents of Nebraska, each law enforcement officer ~~, other than a~~
18 ~~noncertified conditional officer,~~ shall attend continuing education
19 courses ~~for the number of hours required in subdivision (1)(b) of this~~
20 ~~section~~ in the areas of criminal justice and law enforcement as provided
21 in this section. ~~during each calendar year beginning on January 1 and~~
22 ~~ending on December 31.~~

23 (b) A law enforcement officer is not required to meet the continuing
24 education requirements in the year in which he or she first becomes fully
25 certified.

26 (c) A law enforcement officer may retire from service in good
27 standing without meeting the continuing education requirements in the
28 calendar year of the officer's retirement.

29 (d) The requirements of this section do not apply to a noncertified
30 conditional officer.

31 ~~(b) The number of continuing education hours required under this~~

1 ~~subsection shall be:~~

2 ~~(i) Until January 1, 2022, twenty hours;~~

3 ~~(ii) Beginning January 1, 2022, and until January 1, 2023, twenty-~~
4 ~~eight hours; and~~

5 ~~(iii) Beginning January 1, 2023, thirty-two hours.~~

6 (2)(a) Each calendar year, a law enforcement officer shall attend at
7 least:

8 (i) For a law enforcement officer employed by a law enforcement
9 agency that employs less than twenty-five full-time law enforcement
10 officers, twenty-four hours of continuing education; and

11 (ii) For a law enforcement officer employed by a law enforcement
12 agency that employs twenty-five or more full-time law enforcement
13 officers, thirty-two hours of continuing education.

14 (b) Such annual continuing education ~~(2) The annual continuing~~
15 ~~education required by this section shall include:~~

16 (i) A refresher course on de-escalation;

17 ~~(a) Refresher courses on de-escalation, mental health, and substance~~
18 ~~abuse issues;~~

19 (ii) (b) A minimum of two hours of anti-bias and implicit bias
20 training;

21 (iii) (c) Firearms training;

22 (iv) (d) Officer wellness training;

23 (v) (e) Legal update training updates, including, but not limited
24 to, legislative changes and First Amendment and Fourth Amendment issues;
25 and

26 ~~(f) Vehicular pursuit policy review; and~~

27 (vi) (g) Any other training as determined by a law enforcement
28 agency.

29 (3)(a) At least once in each three-calendar-year period, a law
30 enforcement officer shall attend continuing education that includes:

31 (i) Refresher courses on mental health and substance abuse issues;

1 and

2 (ii) A review of vehicular pursuit policies.

3 (b) The continuing education hours required by this subsection are
4 counted for purposes of the required hours under subsection (2) of this
5 section.

6 (4) (3) Continuing education courses may be offered in the form of
7 seminars, advanced education which may include college or university
8 classes, conferences, instruction conducted within the law enforcement
9 officer's law enforcement agency, or instruction conducted over the
10 Internet. Continuing education shall be of a type which has application
11 to and seeks to maintain and improve the skills of the law enforcement
12 officer in carrying out his or her duties and responsibilities.

13 **Sec. 7.** Sections 6 and 9 of this act become operative on January 1,
14 2027. The other sections of this act become operative on their effective
15 date.

16 **Sec. 8.** Original sections 23-1717 and 23-1719, Reissue Revised
17 Statutes of Nebraska, and sections 23-1701, 23-1701.01, and 32-604,
18 Revised Statutes Cumulative Supplement, 2024, are repealed.

19 **Sec. 9.** Original section 81-1414.07, Reissue Revised Statutes of
20 Nebraska, is repealed.