

How 791 Impacts Hiring Law Enforcement Officers

The passage of LB 791 in April of 2018, created some changes in how a law enforcement agency hires an officer. LB 791 is codified in N.R.S. [81-1456](#) & [81-1457](#). Please note that LB 791 is NOT retroactive. This statute only applies to employment changes after April 23, 2018.

The two categories of new hires is a Nebraska Certified Officer and a non-Nebraska Certified officer.

I. **Overview of LB 791**

- a. The Change in Status **shall** be reported to the Director of the Training Center within **7 days** hiring or leaving employment. Use [form TC-001](#).
 - b. Information that is required to be reported on the form:
 - i. Hiring
 - ii. Change in Rank
 - iii. Leaving Employment due to:
 1. Death, Retirement, Retirement due to incapacity ([81-1403](#)); Retirement during investigation
 2. Resignation
 - a. In-lieu of termination. The individual was allowed to resign instead of being terminated from employment. If the basis for this action would rise to the level of revocation of the individual's law enforcement certificate, the Agency must file a report to the Crime Commission within 30 days.
 - b. Accepted Law Enforcement position with another agency
 - c. Accepted a non-law enforcement position
 - d. Other _____
 3. Dismissal
 - a. If the basis for this action would rise to the level of revocation of the individual's law enforcement certificate, the Agency must file a report to the Crime Commission within 30 days.
 - b. Unable to meet agency standards
 - c. Internal Discipline (other than grounds for revocation)
1. Employment records must be maintained on former employees for five years.
 2. Officer conduct (which could constitute revocation) records must be kept for 10 years.
 3. When an Agency is required to submit a "791" report to the Executive Director of the Crime Commission, the report shall include a summary of reasons/circumstances to Crime Commission includes witness information.

Failure to comply with the above listed sections it constitutes Neglect of Duty

Section 2 of 791

- A. Nebraska certified officer seeking employment as a law enforcement officer
 1. After receiving a CONDITIONAL OFFER OF EMPLOYMENT from a prospective Law enforcement agency, the applicant **SHALL** supply the prospective employer with a signed and notarized, *Authority to Release Information to Prospective Employer*. Former employers must disclose information about previous employee
 2. A prospective employer shall not hire the certified officer unless they receive all of the information from ALL previous Law enforcement employer(s)
 3. Prospective employer shall not hire the certified officer if they have been reported to the Crime Commission that the separation was for reasons which may justify revocation 791 report.

II. **Hiring a Nebraska Certified Officer:**

When a Nebraska certified officer applies for a law enforcement position with a law enforcement agency; the agency administrator should contact the Nebraska Law Enforcement Training Center to ascertain if a "791" report has been filed against the applicant.

If a "791" report has been filed that officer CANNOT be hired as a law enforcement officer until the report has been reviewed and a determination has been made on the report.

When an agency has determined that no 791 report has been filed and the applicant has met all of the agency's hiring standards, a conditional offer of employment can be extended to the applicant.

Once the conditional offer of employment has been extended, the applicant is statutorily required to provide the prospective employer with a signed, "[Authority to Release Information to Prospective Employer](#)" form.

If the applicant does not provide the prospective employer with this form, they CANNOT be hired as a law enforcement officer by the agency.

When the prospective employing agency receives the form from the applicant, the prospective employer shall provide that release to ALL previous law enforcement agencies with whom the applicant has been employed.

Within 10 days of receiving the release, the previous employing law enforcement agencies shall provide the prospective employing agency with records regarding the applicant. Previously, agencies would only disclose the dates of employment for this individual. With the passage of this law, agencies are required to disclose any information regarding the applicant.

Once the prospective employer has reviewed records from all previous law enforcement employers and determined that the applicant has passed a thorough background investigation as outlined in [Title 79, Chapter 8](#), the prospective employer may hire the applicant.

Within seven (7) days of hiring a Nebraska certified officer, the new employing agency must submit to the Training Center the following forms:

- [Change in Status form](#)
- [Background verification form](#)
- [Code of Ethics](#) or an [Attestation form](#).

III. **Hiring of a non-Nebraska certified officer**

- a. LB 791 is not applicable to out of state officers or individuals who have not been certified as a law enforcement officer in Nebraska.
- b. The Change in Status **shall** be reported to the Director of the Training Center within **7 days** hiring. Use [form TC-001](#).
- c. If the individual is not Nebraska certified the agency must provide the date of appointment as a law enforcement officer. This means he/she can perform law enforcement duties prior to attending training. It also means that the year "clock" is running on this applicant. If she/he is appointed as a **Trainee**, she/he cannot perform any law enforcement duties. The individual is a civilian employee. The year "clock" is not running on a Trainee.
- d. An applicant shall be scheduled for Basic Training no later than two (2) months from the date of hire as a law enforcement officer. ([Title 79 Chapter 8 008.02](#))
- e. All paperwork required for admission to the academy ([Basic](#) or [Reciprocity](#)) is available on this website.

If you have any questions please contact [Director Brenda Urbanek](#), 308-385-6030