

# LB 51 Reciprocity Overview

The passage of LB 51 in the 107<sup>th</sup> legislative session will bring a number of changes to law enforcement agencies in the State of Nebraska. This document will provide an overview of changes to officers who have been certified in another state and are now employed as a law enforcement officer in Nebraska. These are known as Reciprocity officers.

§81-1414 (2) (c) Is certified as a law enforcement officer in another state and has applied, completed a reciprocity program, and been approved as provided in section 11 of this act.

This is the biggest impact on how an agency utilizes a reciprocity officer. Previously, an agency could hire an out of state officer and have him/her work in a law enforcement capacity until they completed Nebraska certification training.

LB 51 eliminates that practice. Under LB 51, if an agency hires an individual who is certified in another state, that individual cannot perform law enforcement duties until after they have completed Nebraska certification training.

§81-1414 (1) A person seeking certification under subdivision (2)(c) of section 81-1414 shall, in addition to any other applicable requirements of the commission or of sections 81-1401 to 81-1414.10 and sections 7, 9 to 11, and 13 to 18 of this act, submit an application to the council and complete a reciprocity program as provided in this section. The application shall be made under oath and made on a form provided by the council.

This is currently done through the Character Affidavit which is submitted as part of the application for a Reciprocity officer. The character affidavit is a public record. By affixing their signatures to the character affidavit the background investigator and the agency head are affirming (swearing) that they are aware that this document constitutes a public record and knowingly making a false entry in, or false alteration of a public record is a violation of Nebraska Revised Statute 28-911.

§81-1414 (2) The applicant shall attest to the following: (a) That the applicant's certification as a law enforcement officer has not been revoked or suspended in another jurisdiction; (b) That the applicant has not been convicted of or pleaded guilty or nolo contendere to a: (i) Felony violation of state or federal law; (ii) Misdemeanor crime of domestic violence; or (iii) Misdemeanor violation of state or federal law, if the violation has a rational connection with the officer's fitness or capacity to serve as a law enforcement officer; (c) That the applicant has not been separated from employment or disciplined for serious misconduct or a violation of

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the officer's oath of office, code of ethics, or statutory duties; and (d) Any other information deemed necessary by the council.

This is currently the practice.

(3) The council shall develop or approve a reciprocity program that an applicant shall complete prior to receiving certification under this section.

Currently, the training program includes attending 4 weeks of training at the NLETC. Historically, this training has been offered twice a year, typically in January and September.

(4) The council shall deny certification to an applicant under this section if the council finds that the applicant does not meet the requirements of subsection (2) of this section, has omitted information required by such subsection, has provided false or misleading information in the application, or LB51 2021 LB51 2021 -8-has not completed the reciprocity program.

(5) No law enforcement agency or other state or local agency shall hire as a law enforcement officer a person whose certification is denied under this section.

If an out of state certified officer is denied certification that officer cannot be hired by another law enforcement agency.

## **Summary:**

Officers certified in another state cannot work as law enforcement officer until they have received Nebraska certification.

Audits of agencies will be conducted to ensure compliance with this statute. Failure to follow the requirements and restrictions of this subsection shall be considered a violation of the law and neglect of duty.