

LEGISLATIVE BILL 205

Approved by the Governor May 5, 1999

Introduced by Schmitt, 41

AN ACT relating to the Nebraska Law Enforcement Training Center; to amend sections 81-1401, 81-1412, 81-1412.01, and 81-1412.02, Revised Statutes Supplement, 1998; to change provisions relating to handgun qualification; to define a term; to provide duties; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 81-1401, Revised Statutes Supplement, 1998, is amended to read:

81-1401. For purposes of sections 81-1401 to 81-1414, unless the context otherwise requires:

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

(2) Council means the Nebraska Police Standards Advisory Council;

(3) Handgun means any firearm with a barrel less than sixteen inches in length or any firearm designed to be held and fired by the use of a single hand;

(4) Law enforcement agency means the police department or the town marshal in incorporated municipalities, the office of sheriff in unincorporated areas, and the Nebraska State Patrol;

~~(4)(a)~~ (5)(a) Law enforcement officer means any person who is responsible for the prevention or detection of crime or the enforcement of the penal, traffic, or highway laws of the state or any political subdivision of the state for more than one hundred hours per year and is authorized by law to make arrests and includes, but is not limited to:

(i) A full-time or part-time member of the Nebraska State Patrol;

(ii) A county sheriff;

(iii) A full-time or part-time employee of a county sheriff's office;

(iv) A full-time or part-time employee of a municipal or village police agency; or

(v) A full-time employee of an organized and paid fire department of any city of the metropolitan class who is an authorized arson investigator and whose duties consist of determining the cause, origin, and circumstances of fires or explosions while on duty in the course of an investigation; but

(b) Law enforcement officer does not include employees of the Department of Correctional Services, probation officers under the Nebraska Probation System or appointed under section 43-2,123, parole officers appointed by the Parole Administrator, or employees of the Department of Revenue under section 77-366;

~~(5)~~ (6) Director means the director of the Nebraska Law Enforcement Training Center; and

~~(6)~~ (7) Training center means the Nebraska Law Enforcement Training Center.

Sec. 2. Section 81-1412, Revised Statutes Supplement, 1998, is amended to read:

81-1412. (1) In order to maintain proficiency in ~~firearm~~ handgun operation, a law enforcement officer shall qualify at least once every calendar year with a handgun of the same make and model as the handgun which is the primary handgun to be carried by the law enforcement officer while on duty. Such qualification shall take place on a ~~firearm~~ handgun shooting course ~~approved~~ submitted by the director and approved by the council.

(2) Qualification on a ~~firearm~~ handgun shooting course shall be conducted by a qualified firearm instructor pursuant to rules and regulations adopted and promulgated by the ~~training center~~ council. Law enforcement agencies that do not have a qualified firearm instructor may share qualification with other law enforcement agencies that have a qualified firearm instructor or may utilize the Nebraska Association of Law Enforcement Firearm Instructors which may, at no cost, assist such law enforcement agencies by supplying a qualified firearm instructor for a ~~firearm~~ handgun shooting course. The ~~director~~ council shall adopt and promulgate rules and regulations for requalification for the case in which a law enforcement officer fails to qualify. ~~The peace officer status of a law enforcement officer who fails to qualify shall be determined by the director~~ The council shall adopt and promulgate rules and regulations that address the status of a

law enforcement officer and his or her limitations, if any, if the law enforcement officer fails the handgun qualification. The council shall adopt and promulgate rules and regulations whereby the council may grant a waiver of the handgun qualification and determine the status and, if any, limitations of, a law enforcement officer in cases in which the law enforcement officer demonstrates an extreme hardship.

(3) Each law enforcement agency shall maintain its own records as to the ~~firearm~~ handgun qualifications of its law enforcement officers.

Sec. 3. Section 81-1412.01, Revised Statutes Supplement, 1998, is amended to read:

81-1412.01. The minimum ~~firearm~~ handgun qualification test shall consist of a ~~firearm~~ handgun shooting course requiring the firing of fifty rounds of ammunition for completion of the course and the ~~firearm~~ handgun shooting course prescribed target shall be the Federal Bureau of Investigation's "Q" target. The target shall be fired upon at a distance or at distances prescribed by the ~~training center~~ council. The method of scoring on the ~~firearm~~ handgun shooting course shall be "pass/fail". "Pass" means a score of seventy percent or higher. A law enforcement officer participating in the minimum ~~firearm~~ handgun qualification test shall use ~~the firearm or firearms~~ a handgun of the same make and model as the handgun which he or she will be authorized to use while on duty. The council shall adopt and promulgate rules and regulations governing the handguns to be used in the handgun qualification when a law enforcement officer is not authorized to use a handgun on duty.

Sec. 4. Section 81-1412.02, Revised Statutes Supplement, 1998, is amended to read:

81-1412.02. The person in charge of the law enforcement agency which employs the law enforcement officer shall submit to the training center a register of the law enforcement officers who have passed firearm qualification. The person in charge of any agency employing law enforcement officers as defined in section 81-1401 shall submit to the council a register of full-time, part-time, and reserve law enforcement officers employed by his or her agency and whether each law enforcement officer passed or failed the handgun qualification. The council shall adopt and promulgate rules and regulations governing the submission of agency registers. The register shall include the name of each ~~the qualified~~ law enforcement officer, whether the law enforcement officer passed or failed the handgun qualification, the name of the instructor who administered the course, the date of ~~firearm~~ handgun qualification, and the type of ~~firearm~~ handgun used in ~~firearm~~ handgun qualification. An agency that fails to submit a handgun qualification register pursuant to this section shall be subject to a fine of one hundred dollars for each day of noncompliance. All fines collected under this section shall be remitted to the State Treasurer for credit to the Law Enforcement Improvement Fund.

Sec. 5. Original sections 81-1401, 81-1412, 81-1412.01, and 81-1412.02, Revised Statutes Supplement, 1998, are repealed.