

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 894**

FINAL READING

Introduced by Ibach, 44; Hughes, 24; Cavanaugh, M., 6.

Read first time January 03, 2024

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to county sheriffs; to amend sections 23-1701,
- 2 23-1701.01, and 32-520, Reissue Revised Statutes of Nebraska, and
- 3 section 32-604, Revised Statutes Cumulative Supplement, 2022; to
- 4 change provisions relating to election, appointment, qualification,
- 5 and training of county sheriffs; to harmonize provisions; and to
- 6 repeal the original sections.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 23-1701, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 23-1701 (1) It is the duty of the sheriff to serve or otherwise  
4 execute, according to law, and return writs or other legal process issued  
5 by lawful authority and directed or committed to the sheriff and to  
6 perform such other duties as may be required by law. The county sheriff  
7 shall prepare and file the required annual inventory statement of county  
8 personal property in his or her custody or possession as provided in  
9 sections 23-346 to 23-350.

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

14 (3) If there is no county sheriff elected pursuant to section 32-520  
15 or if a vacancy occurs for any other reason, the county board of such  
16 county may appoint a law enforcement officer qualified pursuant to  
17 section 23-1701.01 from any Nebraska county to the office of county  
18 sheriff. In making such appointment, the county board shall enter into a  
19 contract with the appointed county sheriff, such contract to specify the  
20 terms and conditions of the appointment, including the compensation of  
21 the appointed county sheriff, which compensation shall not be subject to  
22 sections 23-1114.02 to 23-1114.06.

23 Sec. 2. Section 23-1701.01, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 23-1701.01 (1) Any candidate for the office of sheriff and any  
26 sheriff appointed under subsection (3) of section 23-1701 shall possess  
27 ~~who does not have~~ a law enforcement officer certificate or diploma issued  
28 by the Nebraska Commission on Law Enforcement and Criminal Justice. A  
29 ~~shall submit with the candidate filing form required by section 32-607 a~~  
30 standardized letter issued by the director of the Nebraska Law  
31 Enforcement Training Center certifying that the candidate or appointee

1 was duly issued such certificate or diploma shall be filed by a candidate  
2 with the candidate filing form required by section 32-607 and by an  
3 appointee with the contract entered into under section 23-1701. has:

4 ~~(a) Within one calendar year prior to the deadline for filing the~~  
5 ~~candidate filing form, passed a background investigation performed by the~~  
6 ~~Nebraska Law Enforcement Training Center based on a check of his or her~~  
7 ~~criminal history record information maintained by the Federal Bureau of~~  
8 ~~Investigation through the Nebraska State Patrol. The candidate who has~~  
9 ~~not passed a background investigation shall apply for the background~~  
10 ~~investigation at least thirty days prior to the filing deadline for the~~  
11 ~~candidate filing form; and~~

12 ~~(b) Received a minimum combined score on the reading comprehension~~  
13 ~~and English language portions of an adult basic education examination~~  
14 ~~designated by the Nebraska Law Enforcement Training Center.~~

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

30 (3) Each sheriff shall attend continuing education as provided in  
31 section 81-1414.07 each year following the first year of such sheriff's

1 term of office.

2 (4) Unless a sheriff is able to show good cause for not complying  
3 with subsection (2) or (3) of this section or obtains a waiver of the  
4 training requirements from the council, any sheriff who violates  
5 subsection (2) or (3) of this section shall be punished by a fine equal  
6 to such sheriff's monthly salary. Each month in which such violation  
7 occurs shall constitute a separate offense.

8 Sec. 3. Section 32-520, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 32-520 Except as provided in section 23-1701, a A county sheriff  
11 shall be elected in each county at the statewide general election in 1990  
12 and each four years thereafter. The term of the county sheriff shall be  
13 four years or until his or her successor is elected and qualified. The  
14 county sheriff shall meet the qualifications found in sections 23-1701  
15 and 23-1701.01. The county sheriff shall be elected on the partisan  
16 ballot.

17 Sec. 4. Section 32-604, Revised Statutes Cumulative Supplement,  
18 2022, is amended to read:

19 32-604 (1) Except as provided in subsection (2) or (4) of this  
20 section, no person shall be precluded from being elected or appointed to  
21 or holding an elective office for the reason that he or she has been  
22 elected or appointed to or holds another elective office.

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

29 (3) Whenever an incumbent serving as a member of the Legislature or  
30 in an elective office described in Article IV, section 1 or 20, or  
31 Article VII, section 3 or 10, of the Constitution of Nebraska assumes

1 another elective office, except an elective office filled at an election  
2 held in conjunction with the annual meeting of a public body, the office  
3 first held by the incumbent shall be deemed vacant.

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

10 (5) Notwithstanding subsection (4) of this section, any person  
11 holding more than one high elective office upon July 15, 2010, shall be  
12 entitled to serve the remainder of all terms for which he or she was  
13 elected or appointed.

14 (6) For purposes of this section, (a) elective office has the  
15 meaning found in section 32-109 and includes an office which is filled at  
16 an election held in conjunction with the annual meeting of a public body  
17 created by an act of the Legislature but does not include a member of a  
18 learning community coordinating council appointed pursuant to subsection  
19 (5) or (7) of section 32-546.01 prior to January 5, 2017, and (b) high  
20 elective office means a member of the Legislature, an elective office  
21 described in Article IV, section 1 or 20, or Article VII, section 3 or  
22 10, of the Constitution of Nebraska, or a county, city, community college  
23 area, learning community, regional metropolitan transit authority, or  
24 school district elective office.

25 Sec. 5. Original sections 23-1701, 23-1701.01, and 32-520, Reissue  
26 Revised Statutes of Nebraska, and section 32-604, Revised Statutes  
27 Cumulative Supplement, 2022, are repealed.