

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 216

Introduced by Wayne, 13.

Read first time January 11, 2021

Committee:

- 1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
- 2 28-101, Revised Statutes Cumulative Supplement, 2020; to prohibit
- 3 certain statements by a peace officer; to provide a penalty; to
- 4 harmonize provisions; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-101, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 28-101 Sections 28-101 to 28-1357 and section 2 of this act and
4 28-1601 to 28-1603 shall be known and may be cited as the Nebraska
5 Criminal Code.

6 Sec. 2. (1) A peace officer who is participating or has
7 participated in an investigation or litigation in the peace officer's
8 official capacity of a matter shall not make an extrajudicial statement
9 that the peace officer knows or reasonably should know will be
10 disseminated by means of public communication and will have a substantial
11 likelihood of materially prejudicing an adjudicative proceeding of the
12 matter.

13 (2) Notwithstanding subsection (1) of this section, a peace officer
14 may state:

15 (a) The claim, offense, or defense involved and, except when
16 prohibited by law, the identity of the persons involved;

17 (b) Information contained in a public record;

18 (c) That an investigation of a matter is in progress;

19 (d) The scheduling or result of any step in litigation;

20 (e) A request for assistance in obtaining evidence and information
21 necessary thereto;

22 (f) A warning of danger concerning the behavior of a person
23 involved, when there is reason to believe that there exists the
24 likelihood of substantial harm to an individual or to the public
25 interest;

26 (g) The identity, residence, occupation, and family status of the
27 accused;

28 (h) If the accused has not been apprehended, information necessary
29 to aid in apprehension of the accused;

30 (i) The fact, time, and place of arrest; and

31 (j) The identity of investigating and arresting officers or agencies

1 and the length of the investigation.

2 (3) Violation of this section is a Class V misdemeanor.

3 Sec. 3. Original section 28-101, Revised Statutes Cumulative
4 Supplement, 2020, is repealed.