

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 995

Introduced by Wayne, 13.

Read first time January 05, 2024

Committee: Judiciary

1 A BILL FOR AN ACT relating to criminal procedure; to amend section
2 29-2292, Revised Statutes Cumulative Supplement, 2022; to change
3 provisions relating to deferred judgments; and to repeal the
4 original section.

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

1 Section 1. Section 29-2292, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 29-2292 (1) Within ten days after ~~Upon~~ a finding of guilt for which
4 a judgment of conviction may be rendered, a defendant may request the
5 court defer the entry of judgment of conviction. Upon such request and
6 after giving the prosecutor and defendant the opportunity to be heard,
7 the court may defer the entry of a judgment of conviction and the
8 imposition of a sentence and place the defendant on probation, upon
9 conditions as the court may require under section 29-2262.

10 (2) The court shall not defer judgment under this section if:

11 (a) The offense is a violation of section 42-924;

12 (b) The victim of the offense is an intimate partner as defined in
13 section 28-323;

14 (c) The offense is a violation of section 60-6,196 or 60-6,197 or a
15 city or village ordinance enacted in conformance with section 60-6,196 or
16 60-6,197; or

17 (d) The defendant is not eligible for probation.

18 (3) Whenever a court considers a request to defer judgment, the
19 court shall consider the factors set forth in section 29-2260 and any
20 other information the court deems relevant.

21 (4) Except as otherwise provided in this section and sections
22 29-2293 and 29-2294, the supervision of a defendant on probation pursuant
23 to a deferred judgment shall be governed by the Nebraska Probation
24 Administration Act and sections 29-2270 to 29-2273.

25 (5) After a hearing providing the prosecutor and defendant an
26 opportunity to be heard and upon a finding that a defendant has violated
27 a condition of his or her probation, the court may enter any order
28 authorized by section 29-2268 or pronounce judgment and impose such new
29 sentence as might have been originally imposed for the offense for which
30 the defendant was convicted.

31 (6) Upon satisfactory completion of the conditions of probation and

1 the payment or waiver of all administrative and programming fees assessed
2 under section 29-2293, the defendant or prosecutor may file a motion to
3 withdraw any plea entered by the defendant and to dismiss the action
4 without entry of judgment.

5 (7) The provisions of this section apply to offenses committed on or
6 after July 1, 2020. For purposes of this section, an offense shall be
7 deemed to have been committed prior to July 1, 2020, if any element of
8 the offense occurred prior to such date.

9 Sec. 2. Original section 29-2292, Revised Statutes Cumulative
10 Supplement, 2022, is repealed.