

LEGISLATIVE BILL 111

Approved by the Governor February 28, 1979

Introduced by Chambers, 11

AN ACT to amend sections 29-2206 and 29-2412, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to increase the rate per day a prisoner shall be credited on a fine and costs as prescribed; to change imprisonment provisions; and to repeal the original sections.

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

Section 1. That section 29-2206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2206. (1) In all cases wherein courts or magistrates have now or may hereafter have the power to punish offenses, either in whole or in part, by requiring the offender to pay a fine or costs, or both, such courts or magistrates may make it a part of the sentence that the party stand committed and be imprisoned in the jail of the proper county until the same is paid or secured to be paid, or the defendant is otherwise discharged according to law. ~~Provided,~~

(2) Notwithstanding the provisions of subsection (1) of this section, when the any offender demonstrates to the court or magistrate that he or she is unable to pay such fine in one lump sum the court or magistrate shall make arrangements suitable to the court or magistrate and to the offender whereby the offender may pay the fine in installments. The court or magistrate shall enter an order specifying the terms of such arrangements and the dates on which payments are to be made. When the judgment of conviction provides for the suspension or revocation of a motor vehicle operator's license and the court authorizes the payment of a fine by installments, the revocation or suspension shall be effective as of the date of judgment.

Sec. 2. That section 29-2412, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2412. Whenever it shall be made satisfactorily to appear to the district court, or to the county judge of the proper county, after all legal means have been exhausted, that any person who is subject to being or is confined in jail for any fine or costs of

prosecution for any criminal offense has no estate wherewith to pay such fine and costs, or costs only, it shall be the duty of such court or judge, on his or her own motion or upon the motion of the person so confined, to discharge such person from further imprisonment, for such fine and costs, which discharge shall operate as a complete release of such fine and costs; Provided, nothing herein shall authorize any person to be discharged from imprisonment before the expiration of the time for which he or she may be sentenced to be imprisoned, as part of his or her punishment, ~~nor--until~~ the convict shall have been imprisoned at least one day for every six dollars of the amount adjudged against him or when such person shall default on a payment due pursuant to an installment agreement arranged by the court. Any person held in custody for nonpayment of a fine or for default on an installment shall be entitled to a credit on the fine or installment of twenty-five dollars for each day so held. In no case shall a person held in custody for nonpayment of a fine be held in such custody for more days than the maximum number to which he or she could have been sentenced if the penalty set by law includes the possibility of confinement.

Sec. 3. That original sections 29-2206 and 29-2412, Reissue Revised Statutes of Nebraska, 1943, are repealed.