

LEGISLATIVE BILL 94

Approved by the Governor June 3, 1997

Introduced by Crosby, 29

AN ACT relating to corrections; to amend section 25-1233, Reissue Revised Statutes of Nebraska; to change provisions for inmate depositions and testimony; and to repeal the original section.

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

Section 1. Section 25-1233, Reissue Revised Statutes of Nebraska, is amended to read:

25-1233. (1) A person confined in any prison in this state ~~may shall~~, by order of any court of record, ~~be required to~~ be produced for oral examination in the county where he ~~or she~~ is imprisoned. ~~In 7 but in~~ all other cases his ~~or her~~ examination must be by deposition.

(2) In civil matters, the court shall notify the Department of Correctional Services of any production order, in which a confined person is the subject, at least fifteen days before the required production. The court shall allow the department to present evidence relating to public safety and security concerns associated with the production of the confined person prior to the required production date. The party who moved for the production order shall be allowed to respond. Based on evidence presented, the court may rescind its production order. If the confined person is produced pursuant to court order, the party who moved for the production order shall pay to the department the actual cost of security and transportation arrangements incurred by the department related to such production.

Sec. 2. Original section 25-1233, Reissue Revised Statutes of Nebraska, is repealed.