

# **One Hundred Third Legislature - First Session - 2013**

## **Introducer's Statement of Intent**

### **LB374**

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**Chairperson: Senator Brad Ashford**

**Committee: Judiciary**

**Date of Hearing: February 27, 2013**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB374 establishes a statutory setoff for child and medical support in arrears from appearance bonds. If a defendant owes back child or medical support and is able to post bond, the bond will be subject to a lien for the delinquent support.

LB374 requires that the appearance bond form include notice to the accused and to any third party who posts bond that such bond will be subject to a lien for delinquent child or medical support amounts. The party posting bond must provide a written acknowledgment that the bond will be subject to the possible lien. The lien for child or medical support in arrears will itself be subject to any other valid lien, levy, execution or assignment to counsel of record or the person who posted bond, as well as to any other deductions for fines and costs.

The proposed amendment replaces Section 3 of LB374 in order to better accomplish the intent of the bill. The amendment requires interested persons to assert a lien by filing a detailed affidavit with the clerk of the court. Prior to returning the bond to the defendant, the clerk shall withhold and remit the delinquent amount to the State Disbursement Unit. The State Disbursement Unit will disburse the amount to the proper party.

**Principal Introducer:** \_\_\_\_\_

**Senator John E. Nelson**