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FLOOR DEBATE

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upon the final testing results and without further process or procedure. If that relief is not granted, however, the individual is provided an opportunity for new trial, new trial being an established procedure within our civil and criminal code. Finally, the committee amendments modify those statutes pertaining to new trial in order that we are...that we establish grounds which would be appropriate given the DNA Testing Act. Specifically newly discovered exculpatory DNA testing evidence obtained under the act would be added as a ground...ground for which a new trial may be granted. Also, a motion for new trial on the basis of DNA testing results would be required to be supported by appropriate affidavits. An exception is added to the three-year limitation on a motion for new trial when there is new evidence and such evidence claims actual innocence and is supported by clear and convincing evidence of that innocence. And a motion for a new trial based on DNA testing would otherwise be filed within 90 days after a final order is issued pursuant to the hearing request setting aside a conviction or within 90 days if there is no ruling, so that we've covered both exigencies. We're adding newly discovered exculpatory DNA testing evidence as a ground for a motion for new trial that allows a petitioner, an avenue for the petitioner when such results would support the petitioner's claim for innocence but reasonable people might disagree as to whether the results are those which it would exonerate. That summarizes the committee amendments. I, too, want to acknowledge the...first of all, I want to acknowledge the leadership and support of Senator Chambers; secondly, the help and cooperation of all the interested parties, including criminal defense and county attorneys. And there has been an agreement that we will do some further refining between now and Select, but I, too, join in urging that we move the bill over to Select File and utilize the time in-between. With that, I submit the committee amendments, urge their adoption and the advancement of the bill. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Brashear. Mr. Clerk.

CLERK: Senator Chambers would move to amend the committee amendments. (AM1487, Legislative Journal page 1472.)