



One Hundred First Legislature - First Session - 2009
Introducer's Statement of Intent
LB 39

Chairperson: Brad Ashford
Committee: Judiciary
Date of Hearing: March 19, 2009

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

LB 39 would amend existing rules of evidence concerning sexual offenses and adopt new rules concerning the same:

- Section 1 of the bill is identical to Federal Rule of Evidence 412 and would replace Nebraska's current "rape shield law," Neb. Rev. Stat. § 28-321.
- Section 2 of the bill is modeled on Federal Rules of Evidence 413 and 414; Section 3 is modeled on Federal Rule of Evidence 415. Rules 413-415 expand the admission of evidence of an accused person's other sexual misconduct or sex offenses. These Rules cover a range of cases: Rule 413 applies in criminal cases of sexual assault; Rule 414 applies to child sex abuse cases; and Rule 415 applies to civil cases.
- Section 4 harmonizes provisions in Neb. Rev. Stat. § 27-404 and incorporates the applicable federal evidentiary threshold.
- Section 5 would add two new categories of nonhearsay statements to Neb. Rev. Stat. § 27-801: (1) pretrial identification testimony, similar to Federal Rule of Evidence 801, and, in certain circumstances, (2) statements made by a child who is an alleged victim of child abuse.

Principal Introducer:

Senator Mike Flood