

AMENDMENTS TO LB352

Introduced by Judiciary.

1 1. Strike original sections 6 and 8 and insert the following new
2 sections:

3 Sec. 6. If a jailhouse informant receives leniency related to a
4 pending charge, a conviction, or a sentence for a crime against a victim
5 as defined in section 29-119, in connection with offering or providing
6 testimony against a suspect or defendant, the prosecutor shall notify
7 such victim. Prior to reaching a plea agreement, the prosecutor shall
8 proceed as provided in subsection (1) of section 23-1201. For purposes of
9 this section, leniency means any plea bargain, reduced or dismissed
10 charges, bail consideration, or reduction or modification of sentence.

11 Sec. 7. Upon motion of the defendant, the court shall conduct a
12 hearing to determine whether the testimony or statement of a jailhouse
13 informant should be admissible. The court may hear live testimony from
14 the jailhouse informant or may receive written statements or deposition
15 testimony from the jailhouse informant. The burden of proof shall be on
16 the state. If the court finds by a preponderance of the evidence that the
17 jailhouse informant's testimony or statement is significantly lacking in
18 reliability, the court shall not allow the testimony or statement to be
19 presented at trial. In making its determination under this section, the
20 court may consider:

21 (1) The factors enumerated in subsection (1) of section 5 of this
22 act;

23 (2) The relationship between the defendant and the jailhouse
24 informant, including the amount of time they were incarcerated in the
25 same jail or correctional institution or the same custodial section of a
26 jail or correctional institution;

27 (3) The substance, time, place, and manner of any statement

1 allegedly made by the defendant to the jailhouse informant, including the
2 names of all persons present when such statement was allegedly made;

3 (4) The substance, time, place, and manner of any statement given by
4 the jailhouse informant to law enforcement implicating the defendant in
5 the crime charged;

6 (5) All evidence corroborating the testimony or statement
7 implicating the defendant in the crime charged; and

8 (6) Any other factors related to reliability.

9 2. On page 2, line 1, strike "(1)"; and strike lines 6 through 9.

10 3. Renumber the remaining sections accordingly.