

**ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020**  
**COMMITTEE STATEMENT (CORRECTED)**  
**LB881**

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**Hearing Date:** Thursday January 23, 2020  
**Committee On:** Judiciary  
**Introducer:** Hansen, M.  
**One Liner:** Prohibit deductions of fines from bonds

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

<b>Aye:</b>	7	Senators Slama, Morfeld, Pansing Brooks, Lathrop, DeBoer, Chambers, Brandt
<b>Nay:</b>		
<b>Absent:</b>	1	Senator Wayne
<b>Present Not Voting:</b>		

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**Oral Testimony:**

**Proponents:**

Senator Matt Hansen  
Joe Neuhaus  
Spike Eickholt

**Representing:**

Introducer  
Nebraska Criminal Defense Attorneys Association  
ACLU of Nebraska

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

Section 29-2206 currently permits a court to deduct fines and costs from the otherwise encumbered portions of an offender's bond. LB 881 would eliminate the court's authority to deduct fines from the bond.

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**Explanation of amendments:**

The committee vote to adopt Committee Amendment 2628:

7 Yes - Senators Brandt, Chambers, DeBoer, Lathrop, Morfeld, Pansing Brooks & Slama

0 No

1 Absent - Senator Wayne

AM2628 to LB881 includes the original bill and adds provisions from the following bills.

Section 1 contains the provisions LB945 (Cavanaugh). This bill would require the cities of Omaha and Lincoln to prepare an annual report listing the number of untested sexual assault evidence collection kits for the city. The report would be required to be posted on the city website and submitted to the Legislature and the Attorney General.

LB 945 Testifiers heard on January 31, 2020

Proponents:

Senator Machaela Cavanaugh, Introducer

Christon MacTaggart, Women's Fund of Omaha

Opponents - None

Sections 2 and 3 contain an amended version of LB776 (DeBoer). This bill would allow evidence from an expert witness regarding eyewitness identification and memory to be admitted under the Nebraska Evidence Rules.

LB 776 Testifiers heard on January 23, 2020

Proponents:

Senator Wendy Deboer, Introducer

Tom Strigenz, Nebraska Criminal Defense Attorneys Association

Michelle Feldman, Innocence Project

Lindsey Wylie, Self

Opponents - None

Section 4 contains an amended version of LB282 (Hansen). The bill would require the court to appoint counsel when setting a bond and the defendant is indigent and cannot afford the amount. The bill would also create a presumption that defendants charged with city ordinances and Class IIIA, IV, and V misdemeanors not involving driving under the influence or a crime against an intimate partner would be released on their own recognizance. The court could still set a bond to protect public safety or assure the appearance of the defendant.

LB 282 Testifiers heard on February 13, 2019

Proponents:

Senator Matt Hansen, Introducer

Spike Eickholt, ACLU of Nebraska

Joe Nigro, Lancaster County Public Defender

Justin Kalemkarian, Nebraska Criminal Defense Attorneys Association

Kellee Moreno, Self

Opponents - None

Section 5 and 6 contain an amended version of LB1041 (Pansing Brooks). This bill clarifies the process for making publicly available the transcript of a grand jury convened to investigate the death of a person in custody or detention.

LB 1041 Testifiers heard on February 6, 2020

Proponents:

Chris Triebsch, Introducing for Sen. Pansing Brooks

Beth Bazyn-Ferrell, Nebraska Association of County Officials

Troy Hawk, District Court Clerks Association

Jeff Lux, Nebraska County Attorneys Association

Opponents - None

Section 7, 8, and 9 contains an amended version of LB1007 (Hansen). This bill reduces the time between court reviews of a person's competency to stand trial to every sixty days. The bill also creates a process for a defendant to move to dismiss the charges if they will not be restored to competency in the reasonably foreseeable future.

LB 1007 Testifiers heard on January 31, 2020

Proponents:

Senator Matt Hansen, Introducer

Joe Nigro, Lancaster County Public Defender & Nebraska Criminal Defense Attorneys Association

Opponents:

Katie Zulkoski, Nebraska County Attorneys Association

Section 10 and 11 contains the provisions of LB1180 (Wayne). This bill would increase the number of alternate jurors a court can impanel to six. The bill would also provide for additional peremptory challenges if the number of alternate jurors is increased.

LB 1180 Testifiers heard on February 12, 2020

Proponents:

Jake Seeman, Introducing for Senator Justin Wayne

Tim Hruza, Nebraska State Bar Association

Opponents - None

Section 12 contains Section 4 of LB1181 (Wayne). This section of this bill would provide that a person cannot be held in custody while awaiting trial on an offense for a period of time longer than the maximum sentence for that offense.

LB 1181 Testifiers heard on February 13, 2020

Proponents:

Senator Justin Wayne, Introducer

Spike Eickholt, Nebraska Criminal Defense Attorneys Association & ACLU of Nebraska

Opponents:

Corey O'Brien, Nebraska Attorney General's Office

Jeff Lux, Nebraska County Attorneys Association

Section 13 contains the provisions of LB881 (Hansen) as introduced.

LB 881 Testifiers heard on January 23, 2020

Proponents:

Senator Matt Hansen, Introducer

Joe Neuhaus, Nebraska Criminal Defense Attorneys Association

Spike Eickholt, ACLU of Nebraska

Opponents - None

Section 14 and 15 contain LB213 (McCollister) and LB777 (DeBoer). These bills made different changes to the same sections of statute. LB213 would allow a person sentenced to community service to apply to have their conviction set aside. This bill would also allow certain people sentenced to less than one year of incarceration to apply to have their convictions set aside. A person with pending criminal charges or required to register as a sex offender would not be eligible to apply. LB777 would replace references to infractions, misdemeanors, and felonies and use the term "offense". The process for applying for a set aside and the standard for granting the set aside are unchanged in the bill.

LB 213 Testifiers heard on January 25, 2019

Proponents:

Senator John McCollister, Introducer

Ryan Sullivan, Self

Clair Monroe, Self

Sami Schmit, Self

Timothy Noerrlinger, Nebraska Criminal Defense Attorneys Association

Opponents - None

LB 777 Testifiers heard on January 23, 2020

Proponents:

Senator Wendy Deboer, Introducer

Ryan Sullivan, Self

Erin Olsen, Self

Spike Eickholt, Nebraska Criminal Defense Attorneys Association & ACLU of Nebraska

Opponents - None

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Steve Lathrop, Chairperson