

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 951

Introduced by Bolz, 29.

Read first time January 13, 2020

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Nebraska Claims for Wrongful Conviction
- 2 and Imprisonment Act; to amend section 29-4603, Reissue Revised
- 3 Statutes of Nebraska; to change requirements for recovery under the
- 4 act; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-4603, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 29-4603 In order to recover under the Nebraska Claims for Wrongful
4 Conviction and Imprisonment Act, the claimant shall prove each of the
5 following by clear and convincing evidence:

6 (1) That he or she was convicted of one or more felony crimes and
7 subsequently sentenced to a term of imprisonment for such felony crime or
8 crimes and has served all or any part of the sentence;

9 (2) With respect to the crime or crimes under subdivision (1) of
10 this section, that the Board of Pardons has pardoned the claimant, that a
11 court has vacated the conviction of the claimant, or that the conviction
12 was reversed and remanded for a new trial and no subsequent conviction
13 was obtained;

14 (3) That he or she was not guilty innocent of the crime or crimes
15 under subdivision (1) of this section, by proving either:

16 (a) The absence of one or more elements of such crime or crimes; or

17 (b) An affirmative defense to such crime or crimes; and

18 (4) That he or she did not commit or suborn perjury, fabricate
19 evidence, or otherwise make a false statement to cause or bring about
20 such conviction or the conviction of another, with respect to the crime
21 or crimes under subdivision (1) of this section, except that a guilty
22 plea, a confession, or an admission, coerced by law enforcement and later
23 found to be false, does not constitute bringing about his or her own
24 conviction of such crime or crimes.

25 Sec. 2. Original section 29-4603, Reissue Revised Statutes of
26 Nebraska, is repealed.