

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT
LB93

Hearing Date: Thursday January 23, 2025
Committee On: Judiciary
Introducer: Dungan
One Liner: Change provisions relating to discovery of information contained in electronic devices and to expert witnesses in criminal cases

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

Vote Results:
Aye: 8 Senators Bosn, DeBoer, Hallstrom, Holdcroft, McKinney, Rountree, Storer, Storm
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:
Senator George Dungan
Mallory Hughes
Paul Lembrick

Representing:
Opening Presenter
Nebraska Criminal Defense Attorneys Association
Nebraska Criminal Defense Attorneys Association

Opponents:
Dan Zieg

Representing:
Nebraska County Attorneys Association

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB93 amends certain criminal procedure statutes relating to discovery and disclosure of evidence.

Section by Section Summary

Section 1: Amends § 29-1912 to require that at any time after the filing of a criminal case for a felony or for which imprisonment is a possible penalty, the defendant may request that the court order the prosecution to allow the defendant to inspect the name, qualifications, and a complete statement of the opinions of any expert witness the prosecution may call. The bill also adds that this section is subject to the continuing duty of disclosure under § 29-1918.

Section 2: Amends § 29-1913 to provide that in any felony prosecution or other prosecution for which imprisonment is



a possible penalty, when the prosecution's evidence consists of an electronic communication device, computer, or digital information, or scientific tests or analyses of such evidence, the court may order that the prosecution make available to the defendant such evidence as is necessary to present a defense or allow the defendant's own experts to conduct like tests or analyses. This section also defines the terms "computer," "digital information," and "electronic communication device."

Section 3: Amends § 29-1918 to require a party who discovers additional evidence before or during a trial to promptly disclose the evidence to the other party or the court if the evidence is subject to discovery or inspection under §§ 29-1912 to 29-1921 (laws governing discovery of evidence in criminal trials), if the other party previously requested the evidence, or if the court ordered the production of the evidence.

Section 4: Repealer

Explanation of amendments:

AM 362 is a white copy amendment that strikes section 29-1913 from the bill and reinserts sections 29-1912 and 29-1918. Section 29-1918 remains unchanged from the LB 93 version.

In section 29-1912, the new provision adding the right of the defendant to request inspection of the name, qualifications, and complete statement of any expert witnesses for the prosecution is struck, but the continuing duty of disclosure under section 29-1918 remains.

Carolyn Bosn, Chairperson

