

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 601

Introduced by DeBoer, 10.

Read first time January 22, 2025

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to criminal procedure; to amend section
2 29-2101, Reissue Revised Statutes of Nebraska; to clarify
3 provisions; and to repeal the original section.
4 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 29-2101, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 29-2101 A new trial, after a verdict of conviction, may be granted,
4 on the application of the defendant, for any of the following grounds
5 affecting materially his or her substantial rights:

6 (1) Irregularity in the proceedings of the court, of the prosecuting
7 attorney, or of the witnesses for the state or in any order of the court
8 or abuse of discretion by which the defendant was prevented from having a
9 fair trial;

10 (2) Misconduct ~~misconduct~~ of the jury, of the prosecuting attorney,
11 or of the witnesses for the state;

12 (3) Accident ~~accident~~ or surprise which ordinary prudence could not
13 have guarded against;

14 (4) The ~~the~~ verdict is not sustained by sufficient evidence or is
15 contrary to law;

16 (5) Newly ~~newly~~ discovered evidence material for the defendant which
17 he or she could not with reasonable diligence have discovered and
18 produced at the trial;

19 (6) Newly ~~newly~~ discovered exculpatory DNA or similar forensic
20 testing evidence obtained under the DNA Testing Act; or

21 (7) Error ~~error~~ of law occurring at the trial.

22 **Sec. 2.** Original section 29-2101, Reissue Revised Statutes of
23 Nebraska, is repealed.