

LEGISLATIVE BILL 178

Approved by the Governor February 20, 1993

Introduced by Hartnett, 45

AN ACT relating to criminal procedure; to amend section 29-1917, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the taking of certain depositions as prescribed; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 29-1917, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-1917. (1) Except as provided in section 29-1926, at any time after the filing of an indictment or information in a felony or Class W misdemeanor prosecution, the prosecuting attorney or the defendant may request the court to allow the taking of a deposition of any person other than the defendant who may be a witness in the trial of the offense. The court may order the taking of the deposition when it finds the testimony of the witness:

(a) May be material or relevant to the issue to be determined at the trial of the offense; or

(b) May be of assistance to the parties in the preparation of their respective cases.

(2) An order granting the taking of a deposition shall include the time and place for taking such deposition and such other conditions as the court determines to be just.

(3) The proceedings in taking the deposition of a witness pursuant to this section and returning it to the court shall be governed in all respects as the taking of depositions in civil cases.

(4) A deposition taken pursuant to this section may be used at the trial by any party solely for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

Sec. 2. That original section 29-1917, Reissue Revised Statutes of Nebraska, 1943, is repealed.