



Hundredth Legislature - First Session - 2007  
**Introducer's Statement of Intent**  
**LB 214**

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**Chairperson:** Brad Ashford  
**Committee:** Judiciary  
**Date of Hearing:** February 28, 2007

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 214 was proposed by the Nebraska County Judges Association to clean up statutes which have become obsolete or which are improvements in the operation of the county courts.

Section 1: Under present statute all courts have the power to appoint special prosecutors in matters pending before them, but only district courts have had the power to provide for payment. This section would simply grant the power to the court making the appointment to provide for compensation. Without the power to compensate, the power to appoint special prosecutors is empty for all except the district court, and places an unnecessary burden on them.

Section 2: Under current law, if a county judge within a specific district has a sudden need for assistance, he or she can ask for help from judges within the district or must go through a process of obtaining an appointment by the Chief Justice of a judge from another district to assist. This section would allow a judge from another district, who might be physically closer to the court needing help or more available on short notice to assist, to serve without the necessity of going through the formal appointment process at the request of a county judge of another district or when presented with an affidavit showing a disability and the need for judicial services. It is intended to increase responsiveness of the judiciary to short-term needs in a given court.

Section 3 repeals statutes which have become obsolete, and may conflict in some ways with modern constitutional requirements and statutory provisions. The *Riverside* case requires a person being detained without a warrant to have the probable cause of his or her arrest to be reviewed by a magistrate within 48 hours. The constitutional and statutory provisions on a speedy trial, and the fact the bond provisions of 29-503 apply only to the proceedings provided for in 29-501 and 29-502, combine to render the provisions obsolete. They serve no purpose at present.

**Principal Introducer:** \_\_\_\_\_  
**Senator Brad Ashford**