

AMENDMENTS TO LB828

Introduced by Judiciary

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 29-4201, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 29-4201 It is the intent and purpose of sections 29-4201
6 to 29-4207 to authorize the usage of audiovisual court appearances
7 and certain ~~district court arraignments by writing~~ written waivers
8 and pleas in criminal proceedings consistent with the statutory and
9 constitutional rights guaranteed by the Constitution of the United
10 States and the Constitution of Nebraska.

11 Sec. 2. Section 29-4206, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 29-4206 (1) The county courts and district courts may
14 accept a written waiver of preliminary hearing and a written
15 waiver of arraignment and plea of not guilty from any defendant.
16 The written waivers shall only be accepted if the defendant is
17 represented by counsel. The ~~form~~ written waivers shall contain the
18 necessary consent and waiver of the right to a physical appearance
19 and comply with subsection (2) of this section, shall be signed by
20 the defendant and his or her counsel of record, ~~if any,~~ and shall
21 be filed with the clerk of the court.

22 (2) The written waivers authorized under subsection (1)
23 of this section shall be in substantially the following form:

1 STATE OF NEBRASKA, PLEA OF NOT GUILTY/
2 Plaintiff, WAIVER OF APPEARANCE
3 -vs- Case No.
4, Arrest No.
5 (Print or Type) Defendant

6 I, the defendant in the above-entitled action, advise the
7 court that I have retained
8 to represent me in this matter. I understand that
9 I have been charged with the following violation(s):
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12 Preliminary Hearing Date or Arraignment Date
13 and in the event that the charges have been

14 amended or new charges added I wish to waive a formal preliminary
15 hearing or arraignment before the court and ask the court to enter
16 plea(s) of not guilty on my behalf. My attorney has advised me of
17 my rights: The right to trial and to a jury trial, if appropriate;
18 my right to confront accusers; to subpoena witnesses; to remain
19 silent; to counsel; to have this matter transferred to juvenile
20 court, if appropriate; and my right to be presumed innocent until
21 proven guilty beyond reasonable doubt. My attorney has also advised
22 me of the possible penalties for the violations with which I am
23 charged, and the possibility that I will be required to make
24 restitution for damages, if appropriate.

25 I understand that my attorney will notify me of all
26 appearance dates in this matter.

27 Date: Defendant's Signature:

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APPEARANCE OF COUNSEL

I,, advise the court that I am the attorney of record for the above-named defendant. I have advised my client of all rights and the possible penalties for the charges filed against him or her. I understand that the court will expect me to represent the defendant in all hearings before the court in this matter.

(Please Print or Type)

..... Attorney's Name
..... Attorney's Address
.....
.....

(Telephone Number) (Attorney Number)

Date:..... Attorney's Signature:

(3) A defendant's use of written forms under this section shall not prevent his or her right to all other process, procedures, and defenses allowed by state and federal law.

Sec. 3. Original sections 29-4201 and 29-4206, Reissue Revised Statutes of Nebraska, are repealed.