

**ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015**  
**COMMITTEE STATEMENT**  
**LB505**

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**Hearing Date:** Thursday February 05, 2015  
**Committee On:** Judiciary  
**Introducer:** Krist  
**One Liner:** Change provisions of the Security, Privacy, and Dissemination of Criminal History Information Act

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

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**Vote Results:**

**Aye:** 8 Senators Chambers, Coash, Ebke, Krist, Morfeld, Pansing Brooks, Seiler, Williams

**Nay:**

**Absent:**

**Present Not Voting:**

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**Verbal Testimony:**

**Proponents:**  
SEN BOB KRIST  
MARK PORTO  
KIM DUNOVAN

**Representing:**  
INTRODUCER  
NCDA  
SELF

**Opponents:**  
JIM OTTO

**Representing:**  
NEBRASKA RETAIL FEDERATION

**Neutral:**  
ALAN PETERSON  
KORBY GILBERTSON

**Representing:**  
ACLU  
MEDIA OF NEBRASKA

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**Summary of purpose and/or changes:**

LB505 would amend 29-3523 to automatically seal criminal records in certain cases, after a designated length of time. The record will still be available to law enforcement officers, but will not be part of the court records available to the public.

LB505 would expand 29-3523 to seal court records relating to a citation in lieu of arrest, and a referral for prosecution without citation. Currently, this section only applies to records relating to a notation of arrest.

LB505 would also expand 29-3523 to seal court records when the case is dismissed by the court after the defendant is acquitted, and after the defendant completes a drug court program or other problem solving court program. Currently, this section only applies to cases dismissed by the court on motion of the prosecuting attorney or as a result of a hearing not the subject of a pending appeal.

On page 4, line 5, the bill states that a person whose information has been removed from the public record under this section can respond to inquiries about their criminal history as if the arrest or citation never occurred.

On page 4, line 9, the bill provides that a person who allows access to criminal history record information that has been

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removed from the public record is guilty of a Class III misdemeanor. (3 months imprisonment, a \$500 fine, or both)

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**Explanation of amendments:**

AM391 to LB505 would make the following changes to the bill:

A technical change suggested by the Office of Probation Administration to change "offense" to "case".

New language in subsection (4), and several technical changes, to address the possibility that the bill could limit researchers' access to JUSTICE data.

New language in subsection (5) to address issues with the public inquiry provisions in (4) of the green copy. This new language is similar to the provisions for juvenile records in 43-2,108.05(5).

New language in subsection (6) to address issues with the penalty provision in (5) of the green copy. As amended, the penalty for someone who willfully discloses, communicates, or allows access to criminal history record information that has been removed from the public record would be an infraction instead of a Class III misdemeanor.

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Les Seiler, Chairperson