

ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016
COMMITTEE STATEMENT (CORRECTED)
LB846

Hearing Date: Thursday January 21, 2016
Committee On: Judiciary
Introducer: Pansing Brooks
One Liner: Require law enforcement agencies to adopt a policy regarding suspect identifications by witnesses

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

Vote Results:
Aye: 6 Senators Seiler, Chambers, Ebke, Krist, Morfeld, Pansing Brooks
Nay:
Absent:
Present Not Voting: 2 Senators Coash, Williams

Verbal Testimony:

Proponents:

SEN. PATTY PANSING BROOKS
MICHELLE FELDMAN
KIRK BLOODSWORTH
BRIAN BORNSTEN
CHRISTIE HARGESHEIMER
TOM STRIGENZ
GREG GONZALEZ

Representing:

INTRODUCER
INNOCENCE PROJECT
SELF
UNL LAW-PSYCHOLOGY PROGRAM
AMNESTY INTERNATIONAL
NCDA
OMAHA POLICE DEPARTMENT

Opponents:

JOHN FREUDENBERG
TRICIA FREEMAN

Representing:

ATTORNEY GENERAL'S OFFICE
COUNTY ATTORNEYS ASSOCIATION

Neutral:

THOMAS MAUL

Representing:

NE STATE BAR

Summary of purpose and/or changes:

LB846 subsection (1) would require law enforcement agencies to adopt a policy on eyewitness identification procedures and provide a copy of the policy to the Crime Commission.

Subsection (2) would require law enforcement agency policies on eyewitness identification procedures to incorporate certain recognized best practices, as specified in the bill.

Subsection (3) would require the Crime Commission to develop a model policy on eyewitness identification procedures. Any law enforcement agency that does not develop its own policy would be required to adopt the model policy developed by the Crime Commission.

Explanation of amendments:

The Committee amendment would strike the green copy of the bill and make the following changes:

In the green copy of the bill, on page 2, line 4 and line 25: insert "eyewitness misidentification prevention policy" and strike the phrase "policy on suspect identification by witnesses"

In the green copy of the bill, on page 2, line 8: strike beginning with "best practices" through "Bar Association" on line 10.

In the green copy of the bill, on page 2, line 22: strike "his or her" and insert "the witness".

In the green copy of the bill, on page 2, line 27: strike the last sentence of the bill and replace with "If a law enforcement agency fails to adopt its own policy as required under subsection (1) of this section, the commission shall require such law enforcement agency to adopt the model policy."

Other minor, non-substantive changes.

Les Seiler, Chairperson