

ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017
COMMITTEE STATEMENT
LB350

Hearing Date: Wednesday January 25, 2017
Committee On: Judiciary
Introducer: McCollister
One Liner: Provide for setting aside certain misdemeanor and felony convictions

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Baker, Chambers, Ebke, Halloran, Hansen, Krist, Morfeld,
Pansing Brooks

Nay:

Absent:

Present Not Voting:

Verbal Testimony:

Proponents:

Senator John McCollister
Timothy Noerrlinger
Stephany Pleasant Maness
James Hanson
Spike Eickholt

Representing:

Introducer
Nebraska Criminal Defense Attorneys Association
self
self
ACLU of Nebraska

Opponents:

Dick Clark
Kenneth Ackerman

Representing:

Nebraska Firearms Owners Association
self

Neutral:

Ryan Sullivan

Representing:

self

Summary of purpose and/or changes:

LB 350 would allow any individual convicted of a misdemeanor or a felony, who was sentenced to any punishment other than probation or fine, to petition the court to set aside their conviction once their sentence is completed.

The court is required to deny the petition if: the individual has pending charges in any foreign or domestic court; if they are required to be entered on the Sex Offender Registry; for any misdemeanor or felony violation of Nebraska Rules of the Road or a motor vehicle homicide; or within two years of a previous attempt to seek a conviction set aside.

If the petition is granted, and the conviction is set aside, the court will order removal of all civil disabilities and reinstatement of the petitioner's rights except for the individual's right to possess a firearm. The individual is to be notified that they are still prohibited from possessing a firearm.

LB 350 would further specify that a conviction set aside does not prevent a crime victim from bringing a civil action against the convicted individual.

LB 350 includes a retroactivity provision that would allow its application to anyone convicted prior to its passage and effective date.

Laura Ebke, Chairperson