

ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017
COMMITTEE STATEMENT
LB395

Hearing Date: Thursday March 16, 2017
Committee On: Judiciary
Introducer: Morfeld
One Liner: Change provisions relating to conditions of and ability to post bail

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

Vote Results:

Aye:	7	Senators Baker, Chambers, Ebke, Hansen, Krist, Morfeld, Pansing Brooks
Nay:	1	Senator Halloran
Absent:		
Present Not Voting:		

Verbal Testimony:

Proponents:

Senator Adam Morfeld
Amy Miller
Joe Nigro

Representing:

Introducer
ACLU Nebraska
Lancaster County Public Defender & Nebraska Criminal
Defense Attorneys Association

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 395 alters statutory provisions pertaining to bail. It requires that the court shall consider all options to avoid incarcerating a defendant before trial. If the court requires an appearance bond that requires a deposit, and the defendant is found indigent, the court shall appoint an attorney to represent the defendant.

After considering the defendant's financial situation (serving as the primary factor in the decision) the judge shall "impose the least onerous" of a number of statutory options that will both protect the public and insure the defendant will attend their trial. Further, the amount of the bond set by the court will reflect the amount the defendant is capable of paying, again using ability to pay as the primary consideration.

A court may order an approved person or organization to monitor a defendant under a number of conditions outlined in Subsection (3) of LB 395. If the court finds the defendant unable to pay for any costs associated with the court imposed conditions, the court shall waive those costs.

Any results of drug or alcohol tests taken while under monitoring shall not be admissible in court except for a proceeding relating to the removal of bond release or a changing of the release's circumstances.

LB 395 further adds the stipulation that the court,s uniform bail schedule shall be easily available to the public, though prominent display at the courthouse, web site posting, and upon individual request.

Explanation of amendments:

AM846 would take defendant's ability to pay a bond from the primary factor to be considered by the court in setting bond, to a contributing factor in setting bond.

Laura Ebke, Chairperson