

LEGISLATIVE BILL 412

Approved by the Governor March 23, 1971

Introduced by Richard F. Proud, 12th District

AN ACT relating to criminal procedure; to provide for an official pretrial release agency; to provide for the appointment, powers, and duties of such an agency; and to provide powers for the court.

Be it enacted by the people of the State of Nebraska,

Section 1. The district courts of this state are authorized to designate an official pretrial release agency for a district, or for any county within a district, whenever the court is satisfied that such agency can render competent and effective assistance to the court in making its determination of the terms and conditions under which any court should release a prisoner from jail prior to trial. When such a pretrial release agency has been designated, the judge of any court within the district or county in which such agency has been authorized to operate shall give consideration to a report and recommendation of such agency and in the event that such agency should recommend the release of the prisoner on his own recognizance, the prisoner shall be released without the necessity of posting a cash deposit or the usual surety set out in section 29-901, Reissue Revised Statutes of Nebraska, 1943, unless the judge shall specifically find that there is good cause for requiring the normal surety in such case. Nothing in this section shall restrict any court from releasing a prisoner on his own recognizance, whether or not he has received a report or recommendation from a pretrial release agency, if the judge determines that such type of release would adequately serve the ends of justice.

Sec. 2. In the event the district court shall designate an official pretrial release agency, an order designating such agency shall be filed with the clerk of each district court in such district, and shall affect all courts within such district. The order shall set out the name of the agency, its sponsoring agencies, if any, and the terms and conditions under which such agency shall operate. Such order shall be binding on any municipal court located within such district insofar as it may affect prisoners charged with felonies, but a municipal court may designate a pretrial release agency and establish terms and conditions under which it shall operate with reference to any prisoner charged with a

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misdemeanor or violation of city ordinance, and such designation shall be an exception to the district court designation of a pretrial release agency.