

## LEGISLATIVE BILL 562

Approved by the Governor April 20, 1978

Introduced by Barnett, 26; Reutzel, 15

AN ACT to amend sections 29-1301 and 29-1302, Reissue Revised Statutes of Nebraska, 1943, relating to change of venue in criminal proceedings; to authorize the transfer of such proceedings to another district or county; and to repeal the original sections.

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

Section 1. That section 29-1301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-1301. All criminal cases shall be tried in the county where the offense was committed, except as otherwise provided in sections 29-1301.01 to 29-1301.03 or section 24-903, or unless it shall appear to the court by affidavits that a fair and impartial trial cannot be had therein. In such a case the court, ~~may--direct--the person--accused--to--be--tried--in--some--adjoining--county~~ upon motion of the defendant, shall transfer the proceeding to any other district or county in the state as determined by the court.

Sec. 2. That section 29-1302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-1302. When the venue is changed, ~~to--an adjoining--county,~~ the clerk of the court in which the indictment was found shall make a certified transcript of all the proceedings in the case, which, together with the original indictment, he shall transmit to the clerk of the court to which the venue is changed, and the trial shall be conducted in all respects as if the offender had been indicted in the county to which the venue has been changed. All costs, fees, charges and expenses accruing from a change of venue, together with all costs, fees, charges and expenses made or incurred in the trial of, or in keeping, guarding and maintaining the accused shall be paid by the county in which the indictment was found, and the clerk of the trial court shall make a statement of such costs, fees, charges and expenses, and certify and transmit the same to the clerk of the district court where the indictment was found, to be by him entered upon his docket, and collected and paid as if a change of

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venue had not been had.

Sec. 3. That original sections 29-1301 and 29-1302, Reissue Revised Statutes of Nebraska, 1943, are repealed.