

E AND R AMENDMENTS TO LB 465

Introduced by Enrollment and Review Committee: McGill, 26,
Chairperson

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 29-1928, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 29-1928 The Legislature finds and declares that the
6 interests of justice may be thwarted by unreliable testimony at
7 trial. There is a compelling state interest in providing safeguards
8 against the admission of testimony the reliability of which may be
9 or has been compromised through improper inducements.

10 The Legislature further finds and declares that the
11 testimony of a jailhouse informer is sometimes unreliable. A
12 jailhouse informer, due to the receipt or promise of a benefit, is
13 presumed to provide testimony that may be unreliable.

14 For purposes of sections 29-1928 and 29-1929, a jailhouse
15 informer is a person in custody as: An accused defendant, a
16 convicted defendant awaiting sentencing, a convicted defendant
17 serving a sentence, ~~or~~ a criminal suspect, or a person detained
18 for questioning regarding the event for which such person received
19 a deal, promise, inducement, or benefit. A jailhouse informer is
20 deemed to be in custody whether physically in jail or not.

21 Sec. 2. Section 29-1929, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 29-1929 Before the testimony of a jailhouse informer is

1 admissible in court, the following requirements must be met:

2 At least ten days before trial, the state shall disclose
3 to the person against whom the jailhouse informer will testify, or
4 to such person's counsel:

5 (1) The known criminal history of the jailhouse informer;

6 (2) Any deal, promise, inducement, or benefit that the
7 state or any person acting on behalf of the state has made or may
8 make in the future to the jailhouse informer;

9 (3) The specific statements allegedly made by the person
10 against whom the jailhouse informer will testify and the time,
11 place, and manner of disclosure;

12 (4) All cases known to the state in which the jailhouse
13 informer testified or offered statements against a person but
14 was not called as a witness, whether or not the statements were
15 admitted as evidence in the case, and whether the jailhouse
16 informer received any deal, promise, inducement, or benefit in
17 exchange for or subsequent to such testimony or statement, and all
18 investigations in which the jailhouse informer was involved, known
19 to the prosecutor or the law enforcement authority, during the
20 course of which the jailhouse informer was offered or received any
21 deal, promise, inducement, or benefit; and

22 (5) Whether at any time the jailhouse informer recanted
23 testimony or statements and, if so, a transcript or copy of such
24 recantation.

25 Sec. 3. Original sections 29-1928 and 29-1929, Revised
26 Statutes Cumulative Supplement, 2006, are repealed.