



Hundredth Legislature - First Session - 2007
Committee Statement
LB 465

Hearing Date: January 31, 2007
Committee On: Judiciary

Introducer(s): (Chambers)
Title: Change provisions relating to jailhouse informants

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

7	Yes	Ashford, Lathrop, Chambers, McDonald, McGill, Pedersen, Schimek
1	No	Pirsch
	Present, not voting	
	Absent	

Proponents:
Senator Chambers
Coleen Nielsen
Amy Miller

Representing:
Criminal Defense Attorneys Association
ACLU Nebraska

Opponents:
Larry Thoren
Mark Young
Jim Peschong
Dean Olsen

Representing:
Police Chiefs Association of Nebraska
Nebraska County Attorneys Association
Police Officers of Nebraska

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 465 proposes to amend the statutes regulating the use of testimony from a jailhouse informer in criminal proceedings. Currently, a jailhouse informer is defined as a person in custody as: An accused defendant, a convicted defendant awaiting sentencing, a convicted defendant serving a sentence, or a criminal suspect. LB 465 expands this definition to

include individuals detained for questioning, and clarifies that physical presence in a jail is not required for an informant to be considered “in custody” under this definition.

LB 465 also amends the sections of law requiring certain disclosures to be made to defense counsel before the testimony of a jailhouse informer is admissible in court. All investigations in which the informer was involved in any manner are added to the following list of required disclosures which must be made ten days prior to trial:

- The informant’s known criminal history;
- Any deal, inducement, inducement or benefit which has been made or may be made in the future to the informant;
- The specific statements allegedly made by the person against who the informant will testify; and
- All cases in which the jailhouse informant testified or offered statements against a person but was not called as a witness.

Explanation of amendments, if any:

The committee amendment to LB 465 makes two changes to the bill as introduced.

1. Clarifies that the expansion of the definition of jailhouse informer to include persons detained for questioning only applies to persons detained for questioning who were offered or received any deal, promise, inducement or benefit in exchange for their participation in the investigation.
2. Limits the requirement in section 2, subsection 4 that a prosecutor turn over information on all investigations in which a jailhouse informer was involved in any manner to only those situations where a deal or other inducement was offered by striking the language “in any manner” and adding “during the course of which the jailhouse informer was offered or received any deal, promise, inducement or benefit.”

Senator Brad Ashford, Chairperson