

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 465**

Introduced by Chambers, 11

Read first time January 17, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to criminal procedure; to amend sections  
2 29-1928 and 29-1929, Revised Statutes Cumulative  
3 Supplement, 2006; to change provisions relating to  
4 jailhouse informants; and to repeal the original  
5 sections.

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

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

3           29-1928 The Legislature finds and declares that the  
4 interests of justice may be thwarted by unreliable testimony at  
5 trial. There is a compelling state interest in providing safeguards  
6 against the admission of testimony the reliability of which may be  
7 or has been compromised through improper inducements.

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

12           For purposes of sections 29-1928 and 29-1929, a jailhouse  
13 informer is a person in custody as: An accused defendant, a  
14 convicted defendant awaiting sentencing, a convicted defendant  
15 serving a sentence, ~~or~~ a criminal suspect, or a person detained  
16 for questioning. A jailhouse informer is deemed to be in custody  
17 whether physically in jail or not.

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

20           29-1929 Before the testimony of a jailhouse informer is  
21 admissible in court, the following requirements must be met:

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

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

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

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

7           (4) All cases known to the state in which the jailhouse  
8 informer testified or offered statements against a person but  
9 was not called as a witness, whether or not the statements were  
10 admitted as evidence in the case, and whether the jailhouse  
11 informer received any deal, promise, inducement, or benefit in  
12 exchange for or subsequent to such testimony or statement, and all  
13 investigations in which the jailhouse informer was involved in any  
14 manner, known to the prosecutor or the law enforcement authority;  
15 and

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

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