



Hundredth Legislature - First Session - 2007  
**Introducer's Statement of Intent**  
**LB 470**

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**Chairperson:** Brad Ashford  
**Committee:** Judiciary  
**Date of Hearing:** January 31, 2007

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

This bill was formulated in consultation with Omaha City Prosecutor Marty Conboy, to provide for the removal from the public record, a notation of arrest, after expiration of a specified period of time in case for which:

- (a) No charges are filed as a result of determination of the prosecuting attorney;
- (b) No charges are filed as a result of a completed diversion;
- (c) Charges are dismissed by the court on motion of the prosecuting attorney or as a result of a hearing not the subject of a pending appeal.

The specified periods of time for removal from the public record are:

- (1) In the case of (a), one year from the date of arrest;
- (2) In the case of (b), two years from the date of arrest;
- (3) In the case of (c), three years from the date of arrest.

The bill is designed to clean up the ambiguity caused by the term, "active prosecution," which is not defined.

As stated by Mr. Conboy: "It is surprising how many innocent people are unknowingly affected by a record entry they may not even realize exists. It is even more surprising when they learn that, while convicted people have several methods of clearing their record, those arrested but not convicted face a permanent entry."

That entry appears when background checks are made, and many people have been denied employment because of it. LB 470 corrects an unjust situation without any additional cost or denying pertinent information to criminal justice agencies or the courts.

**Principal Introducer:** \_\_\_\_\_  
**Senator Ernie Chambers**