

## LEGISLATIVE BILL 465

Approved by the Governor February 13, 2008

Introduced by Chambers, 11.

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

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

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

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

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

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

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

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

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

- (1) The known criminal history of the jailhouse informer;
- (2) Any deal, promise, inducement, or benefit that the state or any person acting on behalf of the state has made or may make in the future to the jailhouse informer;
- (3) The specific statements allegedly made by the person against whom the jailhouse informer will testify and the time, place, and manner of disclosure;
- (4) All cases known to the state in which the jailhouse informer testified or offered statements against a person but was not called as a witness, whether or not the statements were admitted as evidence in the case, and whether the jailhouse informer received any deal, promise, inducement, or benefit in exchange for or subsequent to such testimony or statement, and all investigations in which the jailhouse informer was involved, known to the prosecutor or the law enforcement authority, during the course of which the jailhouse informer was offered or received any deal, promise, inducement, or benefit; and
- (5) Whether at any time the jailhouse informer recanted testimony or statements and, if so, a transcript or copy of such recantation.

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