

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 90

FINAL READING

Introduced by Heidemann, 1; Pirsch, 4.

Read first time January 8, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to audiovisual court appearances; to amend
2 section 29-4204, Reissue Revised Statutes of Nebraska;
3 to eliminate certain requirements regarding audiovisual
4 court appearances; to repeal the original section; and to
5 outright repeal section 29-4203, Reissue Revised Statutes
6 of Nebraska.

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

1 Section 1. Section 29-4204, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 29-4204 The audiovisual communication system and the
4 facilities for an audiovisual court appearance shall:

5 (1) Operate so that the detainee or prisoner and the
6 judge or magistrate can see each other simultaneously and converse
7 with each other verbally and documents can be transmitted between
8 the judge or magistrate and the detainee or prisoner;

9 (2) Operate so that the detainee or prisoner and his
10 or her counsel, if any, are both physically in the same location
11 during the audiovisual court appearance; or if ~~the detainee or~~
12 ~~prisoner waives the right to have counsel physically present and~~
13 the detainee or prisoner and his or her counsel are in different
14 locations, operate so that the detainee or prisoner and counsel
15 can communicate privately and confidentially and be allowed to
16 confidentially transmit papers back and forth; and

17 (3) Be at locations conducive to judicial proceedings.
18 Audiovisual court proceedings may be conducted in the courtroom,
19 the judge's or magistrate's chambers, or any other location
20 suitable for audiovisual communications. The locations shall be
21 sufficiently lighted for use of the audiovisual equipment. The
22 location provided for the judge or magistrate to preside shall be
23 accessible to the public and shall be operated so that interested
24 persons have an opportunity to observe the proceeding.

25 Sec. 2. Original section 29-4204, Reissue Revised

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1 Statutes of Nebraska, is repealed.

2 Sec. 3. The following section is outright repealed:

3 Section 29-4203, Reissue Revised Statutes of Nebraska.