

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 988

Introduced by Council, 11.

Read first time January 20, 2010

Committee: Judiciary

A BILL

1 FOR AN ACT relating to criminal procedure; to amend section
2 29-2412, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to credit for imprisonment for fines
4 and costs; and to repeal the original section.

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

1 Section 1. Section 29-2412, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 29-2412 (1) Whenever it is made satisfactorily to appear
4 to the district court, or to the county judge of the proper county,
5 after all legal means have been exhausted, that any person who is
6 subject to being or is confined in jail for any fine or costs of
7 prosecution for any criminal offense has no estate with which to
8 pay such fine or costs, it shall be the duty of such court or
9 judge, on his or her own motion or upon the motion of the person
10 so confined, to discharge such person from further imprisonment for
11 such fine or costs, which discharge shall operate as a complete
12 release of such fine or costs.

13 (2) Nothing in this section shall authorize any person to
14 be discharged from imprisonment before the expiration of the time
15 for which he or she may be sentenced to be imprisoned, as part
16 of his or her punishment, or when such person shall default on a
17 payment due pursuant to an installment agreement arranged by the
18 court.

19 (3) Any person held in custody for nonpayment of a fine
20 or costs or for default on an installment shall be entitled to a
21 credit on the fine, costs, or installment of ~~sixty~~ eighty dollars
22 for each day so held. In no case shall a person held in custody
23 for nonpayment of a fine or costs be held in such custody for more
24 days than the maximum number to which he or she could have been
25 sentenced if the penalty set by law includes the possibility of

LB 988

LB 988

1 confinement.

2 Sec. 2. Original section 29-2412, Reissue Revised

3 Statutes of Nebraska, is repealed.