

AMENDMENTS TO LB 669

(Amendments to E & R amendments, ER131)

Introduced by Coash

1           1. Insert the following new sections:

2           Sec. 21. Section 29-404, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           29-404 No complaint shall be filed with the magistrate,  
5 unless such complaint is in writing and ~~upon oath~~, signed by  
6 the prosecuting attorney or by any other complainant. If the  
7 complainant ~~be~~ is a person other than the prosecuting attorney  
8 or a city or village attorney prosecuting the violation of a  
9 municipal ordinance, he or she shall either have the consent of  
10 the prosecuting attorney or shall furnish to the magistrate a bond  
11 with good and sufficient sureties in such amount as the magistrate  
12 shall determine to indemnify the person complained against for  
13 wrongful or malicious prosecution. Whenever a complaint shall be  
14 filed with the magistrate, charging any person with the commission  
15 of an offense against the laws of this state, it shall be the duty  
16 of such magistrate to issue a warrant for the arrest of the person  
17 accused, if he ~~shall have~~ or she has reasonable grounds to believe  
18 that the offense charged has been committed. The prosecuting  
19 attorney shall consent to the filing of such complaint if he or she  
20 is in possession of sufficient evidence to warrant the belief that  
21 the person named as defendant in such complaint is guilty of the  
22 crime alleged and can be convicted thereof. The Attorney General

1 shall have the same power to consent to the filing of complaints as  
2 the prosecuting attorneys have in their respective counties.

3 Sec. 22. Section 29-1603, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 29-1603 (1) All informations shall be ~~verified by the~~  
6 ~~oath of~~ in writing and signed by the county attorney, complainant,  
7 or some other person, and the offenses charged therein shall be  
8 stated with the same fullness and precision in matters of substance  
9 as is required in indictments in like cases.

10 (2) (a) Any information charging a violation of section  
11 28-303 and in which the death penalty is sought shall contain  
12 a notice of aggravation which alleges one or more aggravating  
13 circumstances, as such aggravating circumstances are provided in  
14 section 29-2523. The notice of aggravation shall be filed as  
15 provided in section 29-1602. It shall constitute sufficient notice  
16 to describe the alleged aggravating circumstances in the language  
17 provided in section 29-2523.

18 (b) The state shall be permitted to add to or amend a  
19 notice of aggravation at any time up to and including the thirtieth  
20 day prior to the trial of guilt.

21 (c) The existence or contents of a notice of aggravation  
22 shall not be disclosed to the jury until after the verdict is  
23 rendered in the trial of guilt.

24 (3) Different offenses and different degrees of the same  
25 offense may be joined in one information, in all cases in which the  
26 same might by different counts be joined in one indictment; and in  
27 all cases a defendant or defendants shall have the same right, as

1 to proceedings therein, as the defendant or defendants would have  
2 if prosecuted for the same offense upon indictment.

3           2. On page 21, line 10, strike "25, 26, and 29" and  
4 insert "27, 28, and 31"; and in line 19 after "25-2805," insert  
5 "29-404, 29-1603,".