

ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012
COMMITTEE STATEMENT
LB793

Hearing Date: Friday January 20, 2012
Committee On: Judiciary
Introducer: Lautenbaugh
One Liner: Limit frivolous civil actions filed by prisoners

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

| | | |
|----------------------------|---|---|
| Aye: | 6 | Senators Ashford, Coash, Harr, Larson, Lathrop, Lautenbaugh |
| Nay: | 1 | Senator Council |
| Absent: | 1 | Senator McGill |
| Present Not Voting: | | |

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|------------------------|----------------------|
| Proponents: | Representing: |
| SEN. SCOTT LAUTENBAUGH | INTRODUCER |
| DAVID COOKSON | NE ATTORNEY GENERAL |
| WARREN WHITTED | NE STATE BAR |

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|-------------------|----------------------|
| Opponents: | Representing: |
| ERNIE CHAMBERS | SELF |
| AMY MILLER | ACLU |

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| Neutral: | Representing: |
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Summary of purpose and/or changes:

Legislative Bill 793 would prohibit a prisoner from filing a civil action, other than for post-conviction relief or a petition for habeas corpus relief, in forma pauperis (without liability for court fees or costs) if the prisoner has filed three or more civil actions in state or federal court which have been declared frivolous by the court. A court may permit the prisoner to proceed in forma pauperis if the court determines the person is in imminent danger of serious bodily injury.

Explanation of amendments:

Committee Amendment AM 2056 would strike "declared" on page 2, line 19 and insert "found." On page 2, line 22, the amendment would strike "may" and insert "shall." The word "imminent" would be stricken from line 23 on page 2.

Brad Ashford, Chairperson