

**ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013**  
**COMMITTEE STATEMENT**  
**LB151**

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**Hearing Date:** Friday January 25, 2013  
**Committee On:** Judiciary  
**Introducer:** Seiler  
**One Liner:** Provide a hearsay exception for certain documents and data kept in the regular course of business

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

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**Vote Results:**  
**Aye:** 7 Senators Ashford, Christensen, Coash, Davis, Lathrop, McGill, Seiler  
**Nay:**  
**Absent:** 1 Senator Chambers  
**Present Not Voting:**

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<b>Proponents:</b> SEN. LES SEILER BOB HALLSTROM	<b>Representing:</b> INTRODUCER NE BANKERS ASSOCIATION
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<b>Opponents:</b> THOMAS STRIGENZ MARSHA FANGMEYER	<b>Representing:</b> SELF NE STATE BAR
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<b>Neutral:</b> ALAN PETERSON	<b>Representing:</b> ACLU
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**Summary of purpose and/or changes:**

LB 151 would amend section 27-803 (Rule 803. Hearsay exceptions; enumerated; availability of declarant immaterial.) of the Nebraska Revised Statutes to create a new subsection (6) of this section to provide: a memorandum, report, record, etc., made by one business entity and used in the regular course of business and relied upon and kept in the regular course of business by another entity and that the circumstances for its use would suggest that the information is trustworthy as shown through the testimony of the custodian or other qualified witness, is excluded from the rule against hearsay and is admissible as evidence.

LB 151 would allow the use of a business record as evidence without the need to call the creator of the document to testify as to its content, but that a person who in the completion of their employment duties utilizes the document and has come to rely on it and know it to be a trustworthy source, may testify as to the truthfulness and trustworthiness of the document, and would not be considered hearsay.

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**Explanation of amendments:**

AM335 amends LB 151 to provide the following:

Changes subdivision 6 to subdivision 5(b) on page 3, line 16;

On page 3, line 18 after "acquired" inserts "in the regular course of business" to clarify that the memorandum, report, record, etc., received or acquired under this section must have been done as a regular business practice.

Provides that subdivision 5(b) shall not apply in any criminal proceeding.

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Brad Ashford, Chairperson