

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 374

Introduced by Nelson, 6; Pirsch, 4.

Read first time January 18, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to bail; to amend section 29-2206, Revised
2 Statutes Cumulative Supplement, 2012; to provide for a
3 delinquent child support payment lien on an appearance
4 bond as prescribed; to provide a duty for the Revisor of
5 Statutes; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. An appearance bond form shall also include a
2 written notice to the accused, and, if applicable, to a person other
3 than the accused who posted the bond, stating that the sum deposited
4 as bond is subject to a lien under section 3 of this act for any
5 delinquent child support payments owed by the accused. The notice
6 shall include a space for the accused or other person's signature
7 acknowledging that all or part of the sum deposited as bond may be
8 seized as provided in section 3 of this act to satisfy any delinquent
9 child support payment owed by the accused, rather than returned to
10 the depositor.

11 Sec. 2. Section 29-2206, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 29-2206 (1) In all cases in which courts or magistrates
14 have now or may hereafter have the power to punish offenses, either
15 in whole or in part, by requiring the offender to pay fines or costs,
16 or both, such courts or magistrates may make it a part of the
17 sentence that the party stand committed and be imprisoned in the jail
18 of the proper county until the fines or costs are paid or secured to
19 be paid or the offender is otherwise discharged according to law.

20 (2) Notwithstanding subsection (1) of this section, when
21 any offender demonstrates to the court or magistrate that he or she
22 is unable to pay such fines or costs in one lump sum, the court or
23 magistrate shall make arrangements suitable to the court or
24 magistrate and to the offender by which the offender may pay in
25 installments. The court or magistrate shall enter an order specifying

1 the terms of such arrangements and the dates on which payments are to
2 be made. When the judgment of conviction provides for the suspension
3 or revocation of a motor vehicle operator's license and the court
4 authorizes the payment of fines or costs by installments, the
5 revocation or suspension shall be effective as of the date of
6 judgment.

7 (3) As an alternative to a lump-sum payment or as an
8 alternative or in conjunction with installment payments, the court or
9 magistrate may deduct fines or costs from a bond posted by the
10 offender to the extent that such bond is not otherwise encumbered by
11 a valid lien, levy, execution, or assignment to counsel of record or
12 the person who posted the bond.

13 (4) In addition, any remaining amount of the bond left
14 after deductions, if any, have been made under subsection (3) of this
15 section, shall be subject to a lien for delinquent child support
16 payments pursuant to section 3 of this act.

17 Sec. 3. The balance of a sum deposited as bail that is
18 not retained by the court or magistrate under subsection (3) of
19 section 29-2206 shall be subject to a lien in the amount of any
20 delinquent child support payment owed by an offender pursuant to an
21 order for child support. The balance shall be subject to the lien
22 regardless of whether the sum was deposited by the offender or by
23 another person. Before the court or magistrate authorizes the return
24 of any part of the balance, the court or magistrate shall determine
25 whether the offender owes any delinquent child support pursuant to an

1 order for child support. If the court or magistrate determines that
2 there is such a delinquent payment, the court or magistrate shall
3 order that as much of the balance as is necessary to satisfy the
4 delinquent payment be withheld from the person otherwise entitled to
5 its return and instead be transmitted to the person entitled to the
6 delinquent child support payment according to the terms of the order
7 for child support.

8 Sec. 4. The Revisor of Statutes shall assign section 1 of
9 this act to Chapter 29, article 9, and section 3 of this act to
10 Chapter 29, article 22.

11 Sec. 5. Original section 29-2206, Revised Statutes
12 Cumulative Supplement, 2012, is repealed.