

One Hundred Third Legislature - Second Session - 2014

Introducer's Statement of Intent

LB1007

Chairperson: Senator Brad Ashford

Committee: Judiciary

Date of Hearing: February 06, 2014

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 1007 is designed to strengthen the privacy provisions of Neb. Rev. Stat. §29-3523 that removes arrests not leading to a conviction from the public record, thereby protecting legally innocent Nebraskans from the stigma of a permanent public criminal record.

This bill clarifies and expands upon the privacy protections afforded to legally innocent Nebraskans by:

1. Closing a loophole. LB 470, enacted in 2007, amended Neb. Rev. Stat. §29-3523 to remove an arrest from the public record when the related criminal court charges are dismissed. The intent of LB 470 has been frustrated by public access to the record of such criminal proceedings from court files and the Nebraska trial courts' electronic case management system (JUSTICE). The bill closes this loophole by mandating that state courts seal from the public record such criminal proceedings.
2. Expanding the category of arrests eligible for the privacy protections in Neb. Rev. Stat. §29-3523 to include (a) individuals who are acquitted of criminal charges and (b) offenders who successfully complete drug court, or other problem solving court, extending to them the privacy protections now afforded to offenders who complete diversion before criminal charges are filed.
3. Clarifying that when an arrest is removed from the public record a person is not required to disclose the arrest in response to a public inquiry.

Principal Introducer: _____

Senator Ken Haar