

**ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016**  
**COMMITTEE STATEMENT**  
**LB244**

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**Hearing Date:** Friday January 30, 2015  
**Committee On:** Judiciary  
**Introducer:** Pansing Brooks  
**One Liner:** Change provisions relating to motions for new trial based upon discovery of new evidence

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**Roll Call Vote - Final Committee Action:**  
Indefinitely postponed

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**Vote Results:**

<b>Aye:</b>	6	Senators Coash, Krist, Morfeld, Pansing Brooks, Seiler, Williams
<b>Nay:</b>		
<b>Absent:</b>	2	Senators Chambers, Ebke
<b>Present Not Voting:</b>		

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**Verbal Testimony:**

**Proponents:**

SEN. PATTY PANSING BROOKS  
TRACY HIGHTOWER  
TRICIA BUSHNELL  
AMY MILLER  
JOHN BERRY  
SARAH NEWELL

**Representing:**

INTRODUCER  
NEBRASKA INNOCENCE PROJECT  
MIDWEST INNOCENCE PROJECT  
ACLU NEBRASKA  
NCDA  
NE COMMISSION ON PUBLIC ADVOCACY

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB244 would amend 29-2103 to provide that a motion for new trial based on new evidence which was not available at the original trial shall be filed within a reasonable time after the discovery of the new evidence.

Under current law, this type of motion must be filed within a reasonable time after the discovery of the new evidence, but cannot be filed more than three years after the date of the verdict.

**Relevant statutes:**

29-2101. New trial; grounds.  
29-2102. New trial; affidavits; when required  
29-4123. DNA testing results; effect

**Sec. 29-2101(5) provides:**

A new trial, after a verdict of conviction may be granted, on the application of the defendant, for any of the following grounds affecting materially his or her substantial rights (5) newly discovered evidence material for the defendant which her or she could not with reasonable diligence have discovered and produced at the trial.

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