

ONE HUNDRED FIFTH LEGISLATURE - SECOND SESSION - 2018
COMMITTEE STATEMENT
LB678

Hearing Date: Thursday January 18, 2018
Committee On: Judiciary
Introducer: Krist
One Liner: Change provisions relating to criminal justice

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

Vote Results:

Aye:	7	Senators Baker, Chambers, Ebke, Hansen, Krist, Morfeld, Pansing Brooks
Nay:		
Absent:	1	Senator Halloran
Present Not Voting:		

Verbal Testimony:

Proponents:

Senator Bob Krist
Ryan Sullivan
Ashley Fischer
Mark Foxall
Kellee Kucera Moreno
Spike Eickholt

Representing:

Introducer
self
self
self
self
ACLU of Nebraska

Opponents:

Patrick Condon

Representing:

Nebraska Association of County Officials

Neutral:

Jessica Kerkhofs

Representing:

City of Lincoln

Summary of purpose and/or changes:

LB 678 would provide a judicial petition and review process for the sealing of court records relating to criminal prosecutions in which charges were dismissed (1) on the motion of the prosecutor, (2) as a result of a hearing not subject to a pending appeal, (3) after acquittal, or (4) following successful completion of pretrial diversion, and such dismissal occurred prior to January 1, 2017. The provisions of LB 505 (2016), currently codified as Neb. Rev. Stat. Sec. 29-3523, already provide for sealing of such case records in matters dismissed on or after the law's effective date of January 1, 2017.

Explanation of amendments:

The committee amendment strikes a provision of LB 675 relating to a corrections overcrowding emergency that was mistakenly inserted into LB 678 during the drafting process. The removed language was the basis for the fiscal impact described by the Legislative Fiscal Office in their fiscal note.

Additionally, the amendment replaces the word "expunge" with "seal," and provides for notice to the city attorney when applicable. The amendment also adds harmonizing references.

Laura Ebke, Chairperson