

ONE HUNDRED FIFTH LEGISLATURE - SECOND SESSION - 2018
COMMITTEE STATEMENT (CORRECTED)
LB855

Hearing Date: Wednesday February 07, 2018
Committee On: Judiciary
Introducer: Lindstrom
One Liner: Change Security, Privacy, and Dissemination of Criminal History Information Act provisions to provide for charges or offenses that have been pardoned

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

Vote Results:

Aye: 8 Senators Baker, Chambers, Ebke, Halloran, Hansen, Krist, Morfeld, Pansing Brooks
Nay:
Absent:
Present Not Voting:

Verbal Testimony:

Proponents:

Senator Brett Lindstrom
Rory Laughlin
Ryan Sullivan
Mark Foxall
Katherine Lesiak
Mark Irwin
Spike Eickholt

Representing:

Introducer
self
self
self
self
self
ACLU of Nebraska

Opponents:

Walt Radcliffe

Representing:

Media of Nebraska

Neutral:

Representing:

Summary of purpose and/or changes:

This bill would allow a person who has received a pardon to petition the county or district court to seal the criminal history record information regarding the pardoned convictions and related charges that did not result in convictions. The petition would be filed in the county where the petitioner was convicted, with the county attorney named as respondent and served with notice of the petition. The bill directs that courts receiving a petition shall issue an order to seal the petitioner's relevant records. The order would provide for continuing access by law enforcement and access by individuals conducting "research, evaluative, or statistical activities" pursuant to an agreement with a criminal justice agency, and only if the records' confidentiality and security are maintained.

Explanation of amendments:

AM 1780 replaces the word "petition" with "motion" in three places. The amendment also provides that the motion for an

order to seal records shall be filed in the sentencing court, rather than the "county or district court." Because the person would be filing a motion on an existing case, with notice to the parties, the additional requirement of notice to the county attorney is removed.

Laura Ebke, Chairperson