

One Hundred Fifth Legislature - Second Session - 2018

Introducer's Statement of Intent

LB872

Chairperson: Senator Laura Ebke

Committee: Judiciary

Date of Hearing: February 21, 2018

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

Legislative Bill 872 revises criminal procedure so that an appeal made by a prosecuting attorney is similar to an appeal by a defense attorney. The bill allows a prosecuting attorney to appeal a ruling or decision by filing with the clerk of the district court a notice of intention to appeal within 30 days of the entry of judgment or final order, eliminating presentation of the appeals to the trial court--this is a similar process for appeals from county court rulings or decisions. The bill provides that the trial court's judgment cannot be reversed or affected when doing so violates the Double Jeopardy Clause of the Constitution, but, if the Double Jeopardy Clause is not implicated, the trial court can issue a warrant for the re-arrest of the defendant. The bill authorizes prosecutors or the Attorney General to appeal sentences imposed for misdemeanors.

Principal Introducer: _____

Senator Burke Harr