

Legislature - First Session - 2019

Introducer's Statement of Intent

LB646

Chairperson: Senator Steve Lathrop

Committee: Judiciary

Date of Hearing: February 13, 2019

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

Based on the acknowledged fact that innumerable poor persons remain in jail awaiting trial or other court action solely because they lack the financial wherewithal to “post bond” – not because they represent a flight risk or any danger to the public – LB 646 eliminates cash bail, appearance bonds and related provisions.

Personal recognizance and conditional release will be requirements unless the court in its discretion determines that “such a release will not reasonably assure the appearance of the defendant as required” or “that such a release could jeopardize the safety and maintenance of evidence or the safety of victims, witnesses, or other persons in the community.”

Current law mandates that “the court shall consider all methods of bond release and conditions of release to avoid pretrial incarceration.”

LB 646 does not touch any of the provisions of Article I, section 9 of the Nebraska Constitution which enumerate specific unbailable offenses.

Other states have implemented such a system and have met with success in achieving its aims.

Principal Introducer: _____

Senator Ernie Chambers