

AMENDMENTS TO LB93

Introduced by Judiciary.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** Section 29-1912, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 29-1912 (1) When a defendant is charged with a felony or when a
6 defendant is charged with a misdemeanor or a violation of a city or
7 village ordinance for which imprisonment is a possible penalty, he or she
8 may request the court where the case is to be tried, at any time after
9 the filing of the indictment, information, or complaint, to order the
10 prosecuting attorney to permit the defendant to inspect and copy or
11 photograph:

12 (a) The defendant's statement, if any. For purposes of this
13 subdivision, statement includes any of the following which relate to the
14 investigation of the underlying charge or charges in the case and which
15 were developed or received by law enforcement agencies:

16 (i) Written or recorded statements;

17 (ii) Written summaries of oral statements; and

18 (iii) The substance of oral statements;

19 (b) The defendant's prior criminal record, if any;

20 (c) The defendant's recorded testimony before a grand jury;

21 (d) The names and addresses of witnesses on whose evidence the
22 charge is based;

23 (e) The results and reports, in any form, of physical or mental
24 examinations, and of scientific tests, or experiments made in connection
25 with the particular case, or copies thereof;

26 (f) Documents, papers, books, accounts, letters, photographs,
27 objects, or other tangible things of whatsoever kind or nature which

1 could be used as evidence by the prosecuting authority; and

2 (g) Reports developed or received by law enforcement agencies when
3 such reports directly relate to the investigation of the underlying
4 charge or charges in the case.

5 (2) The court may issue such an order pursuant to ~~the provisions of~~
6 this section. In the exercise of its judicial discretion, the court shall
7 consider, among other things, whether:

8 (a) The request is material to the preparation of the defense;

9 (b) The request is not made primarily for the purpose of harassing
10 the prosecution or its witnesses;

11 (c) The request, if granted, would not unreasonably delay the trial
12 of the offense and an earlier request by the defendant could not have
13 reasonably been made;

14 (d) There is no substantial likelihood that the request, if granted,
15 would preclude a just determination of the issues at the trial of the
16 offense; or

17 (e) The request, if granted, would not result in the possibility of
18 bodily harm to, or coercion of, witnesses.

19 (3) Whenever the court refuses to grant an order pursuant to the
20 provisions of this section, it shall render its findings in writing
21 together with the facts upon which the findings are based.

22 (4) Whenever the prosecuting attorney believes that the granting of
23 an order under the provisions of this section will result in the
24 possibility of bodily harm to witnesses or that witnesses will be
25 coerced, the court may permit him or her to make such a showing in the
26 form of a written statement to be inspected by the court alone. The
27 statement shall be sealed and preserved in the records of the court to be
28 made available to the appellate court in the event of an appeal by the
29 defendant.

30 (5) This section is subject to the continuing duty of disclosure
31 under section 29-1918.

1 ~~(6) (5)~~ This section does not apply to jailhouse informants as
2 defined in section 29-4701. Sections 29-4701 to 29-4706 govern jailhouse
3 informants.

4 **Sec. 2.** Section 29-1918, Revised Statutes Cumulative Supplement,
5 2024, is amended to read:

6 29-1918 A party who discovers additional evidence or material before
7 or during trial must promptly disclose its existence to the other party
8 or the court if:

9 (1) The evidence or material is subject to discovery or inspection
10 under sections 29-1912 to 29-1921; and

11 (2) The other party previously requested, or the court ordered, the
12 production of such evidence or material. If, subsequent to compliance
13 with an order for discovery under the provisions of sections 29-1912 to
14 29-1921, and prior to or during trial, a party discovers additional
15 material which the party would have been under a duty to disclose or
16 produce at the time of such previous compliance, the party shall promptly
17 notify the other party or the other party's attorney and the court of the
18 existence of the additional material. Such notice shall be given at the
19 time of the discovery of such additional material.

20 **Sec. 3.** Original sections 29-1912 and 29-1918, Revised Statutes
21 Cumulative Supplement, 2024, are repealed.