



**Hundredth Legislature - First Session - 2007**  
**Committee Statement**  
**LB 470**

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**Hearing Date:** January 31, 2007

**Committee On:** Judiciary

**Introducer(s):** (Chambers, 11)

**Title:** Change provisions relating to dissemination of records of arrest

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**Roll Call Vote – Final Committee Action:**

- X Advanced to General File
  - Advanced to General File with Amendments
  - Indefinitely Postponed
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**Vote Results:**

- |   |                     |   |
|---|---------------------|---|
| 6 | Yes                 | Ashford, Chambers, Lathrop, McDonald, Pirsch, Schimek |
|   | No                  |   |
| 2 | Present, not voting | McGill, Pedersen                                      |
|   | Absent              |   |
- 

**Proponents:**

Senator Chambers  
Marty Conboy  
Jerilyn Buresh  
Amy Miller

**Representing:**

Omaha City Attorney  
Citizen  
ACLU

**Opponents:**

**Representing:**

**Neutral:**

Alan Peterson  
John Shelton

**Representing:**

Commander of the Criminal Identification  
Division

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**Summary of purpose and/or changes:** Legislative Bill 470 proposes to amend section 29-3253, relating to the dissemination of arrest records. Currently, section 29-3253 provides that records of arrests shall not be disseminated to persons other than other law enforcement agencies if no prosecution is pending or completed after one year, except in specified circumstances.

LB 470 removes the uniform one year time period after which records cannot be disseminated and replaces it with the following three provisions:

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(1) In cases of arrest where the prosecutor declines to file charges, the notation of arrest shall be removed from the public record after 1 year;

(2) In cases of arrest where charges are not filed as a result of a completed criminal diversion program, the record of arrest shall be removed from the public record after 2 years; and

(3) In the case of an arrest where charges are filed but later dismissed on motion of the prosecuting attorney or as the result of a hearing not subject to appeal, the record or arrest shall be removed from the public record after 3 years.

**Explanation of amendments, if any:**

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**Senator Brad Ashford, Chairperson**