

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 244

Introduced by Pansing Brooks, 28.

Read first time January 14, 2015

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to criminal procedure; to amend section
- 2 29-2103, Reissue Revised Statutes of Nebraska; to change provisions
- 3 relating to motions for new trial based upon discovery of new
- 4 evidence; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-2103, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 29-2103 (1) A motion for new trial shall be made by written
4 application and may be filed either during or after the term of the court
5 at which the verdict was rendered.

6 (2) A motion for a new trial shall state the grounds under section
7 29-2101 which are the basis for the motion and shall be supported by
8 evidence as provided in section 29-2102.

9 (3) A motion for new trial based on the grounds set forth in
10 subdivision (1), (2), (3), (4), or (7) of section 29-2101 shall be filed
11 within ten days after the verdict was rendered unless such filing is
12 unavoidably prevented, and the grounds for such motion may be stated by
13 directly incorporating the appropriate language of section 29-2101
14 without further particularity.

15 (4) A motion for new trial based on the grounds set forth in
16 subdivision (5) of section 29-2101 shall be filed within a reasonable
17 time after the discovery of the new evidence ~~and cannot be filed more~~
18 ~~than three years after the date of the verdict.~~

19 (5) A motion for new trial based on the grounds set forth in
20 subdivision (6) of section 29-2101 shall be filed within ninety days
21 after a final order is issued under section 29-4123 or within ninety days
22 after the hearing if no final order is entered, whichever occurs first.

23 Sec. 2. Original section 29-2103, Reissue Revised Statutes of
24 Nebraska, is repealed.