

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 553

Introduced by Cavanaugh, J., 9.

Read first time January 17, 2023

Committee: Judiciary

1 A BILL FOR AN ACT relating to criminal procedure; to amend section
2 29-901.03, Reissue Revised Statutes of Nebraska; to provide for
3 automatic review of bail and conditions of release cases involving a
4 misdemeanor or violation of a city or village ordinance; and to
5 repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-901.03, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 29-901.03 (1) When a defendant first appears before a judge
4 pursuant to section 29-901, the defendant ~~he~~ shall be advised of the
5 defendant's ~~his~~ right to obtain review of the conditions of release
6 imposed if the defendant ~~he~~ is unable to fulfill such conditions and
7 remains in custody for more than twenty-four hours thereafter.

8 (2)(a) Any defendant who remains ~~shall remain~~ in custody for more
9 than twenty-four hours after a judge other than a district court judge
10 imposes bail or any other condition of release, as a result of the
11 defendant's ~~his~~ inability to fulfill such condition or conditions, may
12 request a review by the judge who imposed the conditions and, upon such
13 request, the defendant shall be brought before the judge at the first
14 regular court day.

15 (b) If a defendant remains in custody for twenty-one continuous days
16 for an alleged violation of a misdemeanor offense or city or village
17 ordinance after a judge other than a district court judge imposes bail or
18 any other conditions of release, as a result of the defendant's inability
19 to fulfill such condition or conditions, such judge shall review such
20 bail or other conditions of release. In such cases, the defendant shall
21 be brought before the judge at the next regular court day on or
22 immediately after the twenty-first day. Such review and hearing shall
23 occur after each such twenty-one-day period. Such review and hearing
24 shall occur without the need for a request by the defendant.

25 (c) If the defendant is indigent and unable to retain legal counsel,
26 the judge shall appoint an attorney to represent the defendant for the
27 purpose of any such review under this section.

28 (d) Unless the conditions of release are amended and the defendant
29 is thereupon released, the judge shall set forth in writing the reasons
30 for requiring such condition or conditions.

31 (3) Any defendant who shall be ordered released by a judge other

1 than a district court judge on a condition which requires that the
2 defendant ~~he~~ return to custody after specified hours shall, upon
3 application, be entitled to a review by the judge who imposed the
4 condition in the same manner as a defendant who remains in full-time
5 custody.

6 (4) In the event that the judge who imposed the condition or
7 conditions of release is not available, any other judge in the district
8 or of the same court may review such conditions.

9 Sec. 2. Original section 29-901.03, Reissue Revised Statutes of
10 Nebraska, is repealed.