

LEGISLATIVE BILL 434

Approved by the Governor February 18, 1992

Introduced by Chizek, 31

AN ACT relating to criminal procedure; to amend section 29-2002, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to joinder of offenses and defendants as prescribed; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 29-2002, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2002. (1) Two or more offenses may be charged in the same indictment, information, or complaint in a separate count for each offense if the offenses charged, whether felonies or misdemeanors, or both, are of the same or similar character or are based on the same act or transaction or on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

(2) Two or more defendants may be charged in the same indictment, information, or complaint if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses. Such defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each count.

(3) The court may order two or more indictments, informations, or complaints, or any combination thereof, to be tried together if the offense, and the defendants, if there are more than one, offenses could have been joined in a single indictment, information, or complaint or if the defendants, if there is more than one, are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses. The procedure shall be the same as if the prosecution were under such single indictment, information, or complaint.

(4) (3) If it appears that a defendant or the state would be prejudiced by a joinder of offenses ~~or of~~ defendants in an indictment, information, or complaint, or by such joinder of offenses in separate indictments,

informations, or complaints for trial together, the court may order an election for separate trials of counts, indictments, informations, or complaints, grant a severance of defendants, or provide whatever other relief justice requires.

Sec. 2. That original section 29-2002, Reissue Revised Statutes of Nebraska, 1943, is repealed.