

ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017
COMMITTEE STATEMENT
LB589

Hearing Date: Thursday March 02, 2017
Committee On: Judiciary
Introducer: Crawford
One Liner: Provide for depositions of a child victim or child witness

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	5	Senators Ebke, Baker, Halloran, Morfeld, Pansing Brooks
Nay:	1	Senator Chambers
Absent:		
Present Not Voting:	2	Senators Hansen, Krist

Verbal Testimony:

Proponents:

Senator Sue Crawford
Ivy Svoboda
Colleen Brazil
Dan Salvo-McGinn
Corrie Kielty
Stephen Lazoritz

Representing:

Introducer
Nebraska Alliance of Child Advocacy Centers
Project Harmony
Nebraska Alliance of Child Advocacy Centers
Nebraska CASA Association
self

Opponents:

Christopher Lathrop

Representing:

Nebraska Criminal Defense Attorneys Association

Neutral:

Representing:

Summary of purpose and/or changes:

LB 589 adds to Nebraska statute the ability to take a deposition of a child witness under certain circumstances. However, Section 1 makes clear that a deposition of a child shall not be allowed for a child younger than 18 years of age when the child has undergone a video-recorded forensic interview at a child advocacy center, except by agreement of the parties or by approval of the court. The court shall not approve the request for deposition under such circumstances unless the court finds that the deposition will aid in the disclosure of evidence that is not reasonably available by other means and is essential in preparing the defendant for trial. The court should consider the availability of the recorded statements of the child in making its decision. Upon granting the motion to depose the child, the court shall, on its own motion or on motion of a party, make any protective order that justice requires to protect the child from emotional harm or distress, harassment, undue influence, or intimidation. The bill further provides examples of what some such protective orders may address, including, among others, the time and place of the deposition, the scope of the deposition, the presence of the defendant, or the presence of other persons.

Explanation of amendments:

AM 438 makes two minor adjustments to the language of the bill. First, it inserts a reference to a "court appointed

special advocate" in the list of examples a judge's protective order might address. Second, it adds to the list of examples for such protective orders the possibility that a judge might allow the child's deposition to be taken with a "service or therapy animal" present.

Laura Ebke, Chairperson