

One Hundred Sixth Legislature - Second Session - 2020

Introducer's Statement of Intent

LB1181

Chairperson: Senator Steve Lathrop

Committee: Judiciary

Date of Hearing: February 13, 2020

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 1181 makes several changes to Nebraska criminal law and sentencing for offenses with mandatory minimum penalties.

Some crimes carry a mandatory minimum sentence regardless if the defendant has a prior criminal record, including some felony drug offenses. A mandatory minimum prohibits a court from placing an offender on probation and a person sentenced for a mandatory minimum does not earn good time while imprisoned for the mandatory minimum term. LB 1181 would provide a means by which a sentencing court would be permitted to not impose a mandatory minimum sentence for a drug offense if the court found that the mandatory minimum would not be appropriate and would not serve the public interest.

Under current law, a person who has been convicted of a felony offense and sentenced to prison on two prior occasions, may be charged as a habitual criminal for any subsequent felony crime. A sentence under the habitual criminal allegation carries a mandatory minimum sentence of at least ten years. LB 1181 would eliminate non-violent felony offenses from the application of the habitual criminal law.

LB 1181 also provides for a means by which a prisoner may ask a court to be re-sentenced if the Legislature eliminates or reduces a criminal penalty for which a prisoner is serving a sentence. Finally, LB 1181 would prohibit any defendant from being held in custody for any offense awaiting trial for a period of time longer than the maximum possible sentence of imprisonment for the offense for which the defendant is held in custody.

Principal Introducer: _____

Senator Justin Wayne