

# **Legislature - First Session - 2019**

## **Introducer's Statement of Intent**

### **LB352**

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**Chairperson: Senator Steve Lathrop**

**Committee: Judiciary**

**Date of Hearing: March 06, 2019**

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

LB 352 improves transparency and protections against false jailhouse witness testimony.

First, the bill requires each county attorney's office to maintain a central record of cases in which a jailhouse witness testifies and any benefits they received. This will provide prosecutors with better information before putting a potential jailhouse witness on the stand.

Second, it requires the state to promptly disclose specific jailhouse witness evidence to the defense. The U.S. Supreme Court has already established a constitutional requirement for prosecutors to turn over discrediting information on jailhouse witnesses, so the defense can raise issues of credibility to the judge and jury. This legislation specifies when and what types of evidence must be disclosed.

Third, the legislation would have judges hold pre-trial hearings to screen out unreliable jailhouse witness statements. These pre-trial screenings are required before an expert witness can testify, and similarly jailhouse witnesses are compensated for their testimony and need additional scrutiny.

Finally, the victims of the jailhouse witness's crimes would have to be notified if the state offers leniency in exchange for their cooperation. The bill does not prevent jailhouse witnesses from testifying, it simply ensures that prosecutors, judges and jurors have the information they need to accurately assess a their statements.

The entire criminal justice system works better with more transparency and accuracy, and LB352 enhances both.

**Principal Introducer:** \_\_\_\_\_

Senator Adam Morfeld