

LEGISLATIVE BILL 500

Approved by the Governor May 5, 2021

Introduced by Geist, 25.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1301, Reissue Revised Statutes of Nebraska; to provide venue for prosecution of offenses committed using an electronic communication device; to define terms; to harmonize provisions; and to repeal the original section.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 29-1301, Reissue Revised Statutes of Nebraska, is amended to read:

29-1301 All criminal cases shall be tried in the county where the offense was committed, except as otherwise provided in section 25-412.03 or sections 29-1301.01 to 29-1301.03 and section 2 of this act, or unless it shall appear to the court by affidavits that a fair and impartial trial cannot be had therein. In such case the court, upon motion of the defendant, shall transfer the proceeding to any other district or county in the state as determined by the court.

Sec. 2. (1) If a person uses an electronic communication device to commit any element of an offense, such person may be tried in the county where the electronic communication was initiated or where the electronic communication was received.

(2) For purposes of this section:

(a) Electronic communication has the same meaning as in section 28-1310;
and

(b) Electronic communication device has the same meaning as in section 28-833.

Sec. 3. Original section 29-1301, Reissue Revised Statutes of Nebraska, is repealed.