

ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023
COMMITTEE STATEMENT
LB59

Hearing Date: Wednesday January 25, 2023
Committee On: Judiciary
Introducer: Cavanaugh, J.
One Liner: Change provisions relating to limitations for a postconviction relief action

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Blood, DeBoer, DeKay, Geist, Holdcroft, Ibach, McKinney, Wayne
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator John Cavanaugh
Spike Eickholt

Representing:

District 9
Nebraska Criminal Defense Attorney Association /
Nebraskans for Alternatives to Death Penalty

Opponents:

Representing:

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

Section 29-3001 currently provides a one-year deadline for filing a verified motion for postconviction relief. This one-year clock begins from the later of four triggering events.

LB59 amends Section 29-3001 to add a fifth triggering event for the start of the one-year clock. This additional event is the disposal of a Petition for Writ of Certiorari by the Supreme Court of the United States.

LB 59 limits the application of this triggering event to defendants who file a notice with the District Court advising they have filed a petition with the Supreme Court of the United States. This notice must be filed within 30 days of filing such petition.
