

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 553**

Introduced by Cavanaugh, J., 9.

Read first time January 17, 2023

Committee:

- 1 A BILL FOR AN ACT relating to criminal procedure; to amend section
- 2 29-901.03, Reissue Revised Statutes of Nebraska; to provide for
- 3 automatic review of bail and conditions of release cases involving a
- 4 misdemeanor or violation of a city or village ordinance; and to
- 5 repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-901.03, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3 29-901.03 (1) When a defendant first appears before a judge  
4 pursuant to section 29-901, the defendant he shall be advised of the  
5 defendant's his right to obtain review of the conditions of release  
6 imposed if the defendant he is unable to fulfill such conditions and  
7 remains in custody for more than twenty-four hours thereafter.

8 (2)(a) Any defendant who remains shall remain in custody for more  
9 than twenty-four hours after a judge other than a district court judge  
10 imposes bail or any other condition of release, as a result of the  
11 defendant's his inability to fulfill such condition or conditions, may  
12 request a review by the judge who imposed the conditions and, upon such  
13 request, the defendant shall be brought before the judge at the first  
14 regular court day.

15 (b) If a defendant remains in custody for twenty-one continuous days  
16 for an alleged violation of a misdemeanor offense or city or village  
17 ordinance after a judge other than a district court judge imposes bail or  
18 any other conditions of release, as a result of the defendant's inability  
19 to fulfill such condition or conditions, such judge shall review such  
20 bail or other conditions of release. In such cases, the defendant shall  
21 be brought before the judge at the next regular court day on or  
22 immediately after the twenty-first day. Such review and hearing shall  
23 occur after each such twenty-one-day period. Such review and hearing  
24 shall occur without the need for a request by the defendant.

25 (c) If the defendant is indigent and unable to retain legal counsel,  
26 the judge shall appoint an attorney to represent the defendant for the  
27 purpose of any such review under this section.

28 (d) Unless the conditions of release are amended and the defendant  
29 is thereupon released, the judge shall set forth in writing the reasons  
30 for requiring such condition or conditions.

31 (3) Any defendant who shall be ordered released by a judge other

1 than a district court judge on a condition which requires that the  
2 defendant ~~he~~ return to custody after specified hours shall, upon  
3 application, be entitled to a review by the judge who imposed the  
4 condition in the same manner as a defendant who remains in full-time  
5 custody.

6 (4) In the event that the judge who imposed the condition or  
7 conditions of release is not available, any other judge in the district  
8 or of the same court may review such conditions.

9 Sec. 2. Original section 29-901.03, Reissue Revised Statutes of  
10 Nebraska, is repealed.