

## LEGISLATIVE BILL 1249

Approved by the Governor April 8, 1972

Introduced by Richard F. Proud, 12th District

AN ACT to amend sections 29-909 and 29-910, Revised Statutes Supplement, 1971, relating to criminal procedure; to provide for discretionary use of a pretrial release agency by district and municipal courts; to provide for the regulation of such agency; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 29-909, Revised Statutes Supplement, 1971, be amended to read as follows:

29-909. The district courts of this state are authorized to designate an official pretrial release agency for a district, or for any county within a district, whenever the court is satisfied that such agency can render competent and effective assistance to the court in making its determination of the terms and conditions under which any court should release a prisoner from jail prior to trial. When such a pretrial release agency has been designated, the judge of any court within the district or county in which such agency has been authorized to operate shall may give consideration to a report and recommendation of such agency and in the event that such agency should recommend the release of the prisoner on his own recognizance, the court may order the release of the prisoner shall--be released without the necessity of posting a cash deposit or the usual surety set out in section 29-901. ~~7--unless the judge shall specifically find that there is good cause for requiring the normal surety in such case.~~ Nothing in this section shall restrict any court from releasing a prisoner on his own recognizance, whether or not he has received a report or recommendation from a pretrial release agency, if the judge determines that such type of release would adequately serve the ends of justice.

Sec. 2. That section 29-910, Revised Statutes Supplement, 1971, be amended to read as follows:

29-910. In the event the district court shall designate an official pretrial release agency, an order designating such agency shall be filed with the clerk of

each district court in such district, and shall affect all courts within such district. The order shall set out the name of the agency, its sponsoring agencies, if any, and the terms and conditions under which such agency shall operate. Such order shall be binding on any municipal court located within such district ~~insofar as it may affect prisoners charged with felonies, but unless the~~ municipal court ~~may designate~~ designates a pretrial release agency and ~~establish~~ establishes terms and conditions under which it shall operate with reference to any prisoner charged with a ~~wisdomenor or violation of city ordinance, and such designation shall be an exception to the district court designation of a~~ pretrial release agency an offense within the criminal jurisdiction of the municipal court including arraignments, preliminary hearings and related procedures involving prisoners charged with felonies. The order of the municipal court designating the pretrial release agency and setting forth the terms and conditions under which it shall operate shall be filed with both the clerks of the municipal and district courts of the county in which the municipal court is located. There shall be no requirement that the terms and conditions regulating the pretrial release agency designated by the district court and the pretrial release agency designated by the municipal court be the same, whether or not the same agency is designated by both courts.

Sec. 3. That original sections 29-909 and 29-910, Revised Statutes Supplement, 1971, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.