

LEGISLATIVE BILL 497

Approved by the Governor April 21, 1977

Introduced by Urban Affairs Committee, George, 16, Chmn.;
Schmit, 23; Maxey, 46; Kahle, 37; Labeledz, 5;
DeCamp, 40

AN ACT to amend section 29-404, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedures; to provide for complaints by a city or village attorney; and to repeal the original section.

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

Section 1. That section 29-404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-404. No complaint shall be filed with the magistrate, unless such complaint is in writing and upon oath, signed by the prosecuting attorney or by any other complainant. If the complainant be other than the prosecuting attorney or a city or village attorney prosecuting the violation of a municipal ordinance, he shall either have the consent of the prosecuting attorney or shall furnish to the magistrate a bond with good and sufficient sureties in such amount as the magistrate shall determine to indemnify the person complained against for wrongful or malicious prosecution. Whenever a complaint shall be filed with the magistrate, charging any person with the commission of an offense against the laws of this state, it shall be the duty of such magistrate to issue a warrant for the arrest of the person accused, if he shall have reasonable grounds to believe that the offense charged has been committed. The prosecuting attorney shall consent to the filing of such complaint if he is in possession of sufficient evidence to warrant the belief that the person named as defendant in such complaint is guilty of the crime alleged and can be convicted thereof. The Attorney General shall have the same power to consent to the filing of complaints as the prosecuting attorneys have in their respective counties.

Sec. 2. That original section 29-404, Reissue Revised Statutes of Nebraska, 1943, is repealed.