

	<b>ADMINISTRATIVE REGULATION</b>  <b>Department of Correctional Services State of Nebraska</b>	<b>NUMBER</b>  010.01	<b>PAGE</b>  1 of 2
		SPECIAL SERVICES UNIT NDCS CENTRAL OFFICE – OUT- of - STATE WITNESS ACT	

This Administrative Regulation is to be made available in law libraries or other inmate resource centers

EFFECTIVE: November 1, 1983  
REVIEWED: October 31, 2006  
REVIEWED: September 28, 2007  
REVISED: November 30, 2008  
REVIEWED: November 30, 2009  
REVISED: November 30, 2010  
REVIEWED: November 30, 2011  
REVISED: December 28, 2012  
REVISED: December 27, 2013  
REVIEWED: December 31, 2014  
REVIEWED: November 30, 2015

**SUMMARY of REVISION/REVIEW**

Reviewed, addition of /designee to Procedure section.

APPROVED:

  


---

Scott R. Frakes, Director  
Nebraska Department of Correctional Services

	<b>ADMINISTRATIVE REGULATION</b>  <b>Department of Correctional Services State of Nebraska</b>	<b>NUMBER</b>  010.01	<b>PAGE</b> 2 of 2
		<b>SPECIAL SERVICES UNIT NDCS CENTRAL OFFICE – OUT- of - STATE WITNESS ACT</b>	

### PURPOSE

To establish procedures for producing inmates as witnesses in criminal proceedings in other states.

### GENERAL

In accordance with the Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act, Sections 29-3201 through 29-3210, the Nebraska Department of Correctional Services (NDCS) will make inmates available to testify in another state in any criminal proceeding or investigation by a grand jury or in any criminal action before a court.

### PROCEDURE

Upon receipt of written notification that an inmate is wanted by another jurisdiction as a material witness in a criminal proceeding, the Warden/designee shall notify the Special Services Administrator accordingly. The Supervisor of the Special Services Unit will then take the necessary steps to transfer the inmate involved to the requesting jurisdiction.

- STEP (1) Take the written request to the Assistant Attorney General in charge of extradition matters for his/her review.
- STEP (2) Upon the Attorney General's approval, contact the county attorney's office in the county the inmate is confined to set up a hearing before the District Court.
- STEP (3) Special Services Officers will produce the inmate at the prescribed date, time and location of said hearing.
- STEP (4) After the hearing, the judge's order issued by the sending state will be forwarded to the judge in the receiving state for his/her review.
- STEP (5) The order of the sending state cannot become effective until the judge in the receiving state enters an order directing compliance with the conditions prescribed.
- STEP (6) Upon receipt of the receiving state's judge's order complying with the terms of the sending state's judge's order, the inmate may be transferred to the receiving state on the date and time specified.
- STEP (7) Upon conclusion of the inmate's testimony in the receiving state, he/she must be returned to the sending state's custody.

### REFERENCE

- I. STATE STATUTE - NEBRASKA REV. STAT. 29-3201 to 29-3210.
- II. ATTACHMENTS – None
- III. AMERICAN CORRECTIONAL ASSOCIATION (ACA) STANDARDS – None noted.