

**ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010**  
**COMMITTEE STATEMENT**  
**LB842**

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**Hearing Date:** Thursday February 04, 2010  
**Committee On:** Judiciary  
**Introducer:** Lautenbaugh  
**One Liner:** Change procedures in cases of death during apprehension by law enforcement officers or while in custody

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

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**Vote Results:**

<b>Aye:</b>	7	Senators Ashford, Christensen, Coash, Lathrop, Lautenbaugh, McGill, Rogert
<b>Nay:</b>		
<b>Absent:</b>		
<b>Present Not Voting:</b>	1	Senator Council

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**Proponents:**

Sen. Scott Lautenbaugh  
Don Kleine

Gary Lacey  
Sean Kelley

**Representing:**

Introducer  
Douglas County Attorney; Nebraska County Attorney Association  
Nebraska County Attorneys Association  
Nebraska Fraternal Order of Police

**Opponents:**

Amy Miller

**Representing:**

ACLU Nebraska

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 842 would amend 29-1401 of the Nebraska Statutes,(which section requires an investigation into the death of a person apprehended or in law enforcement custody) by striking and removing from subsection 4 of this act the following requirements:

1. Requirement to treat as an open and ongoing investigation, the death of a person who was apprehended or in the custody of law enforcement (29-1401(a)),
  2. Requirement to appoint as a special prosecutor, an attorney with five years experience and the appointment of three peace officers, trained to investigate homicides, to look at all evidence gathered when investigating the death of the apprehended or detained person, (29-1401(b)) and finally
  3. Requirement that a special prosecutor is not required when the death of the apprehended or detained person is certified by a licensed physician to be from natural causes. (29-1401(d))
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Brad Ashford, Chairperson