

AMENDMENTS TO LB 76

1           1. Strike the original sections and insert the following  
2 new sections:

3           "Section 1. Section 29-2521.02, Reissue Revised Statutes  
4 of Nebraska, is amended to read:

5           29-2521.02.    (1) The Supreme Court shall within a  
6 reasonable time after July 22, 1978, review and analyze all cases  
7 involving criminal homicide committed on or after April 20, 1973.  
8 Such review and analysis shall examine ~~(1)~~ (a) the facts including  
9 mitigating and aggravating circumstances, ~~(2)~~ (b) the charges  
10 filed, ~~(3)~~ (c) the crime for which defendant was convicted, and ~~(4)~~  
11 (d) the sentence imposed. Such review shall be updated as new  
12 criminal homicide cases occur.

13           (2) Following the transmittal of a report of the  
14 Commission on Law Enforcement and Criminal Justice pursuant to  
15 subdivision (7) of section 81-1425 and subsequent reports updating  
16 such report, the Supreme Court may take judicial notice of such  
17 reports in undertaking the determinations required by sections  
18 29-2521.01 to 29-2521.04.

19           Sec. 2. Section 29-2528, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           29-2528.    ~~In~~ (1) Except as provided in subsection (2) of  
22 this section, in all cases when the death penalty has been imposed  
23 by the district court, the Supreme Court shall, after consideration  
24 of the appeal, order the prisoner to be discharged, a new trial to

1 be had, or appoint a day certain for the execution of the sentence.

2 (2)(a) The Supreme Court shall not appoint a day certain  
3 for the execution of a death sentence that falls during the period  
4 beginning on the effective date of this act and ending on September  
5 1, 2002.

6 (b) During the moratorium period specified in subdivision  
7 (a) of this subsection, the special procedures in cases of homicide  
8 provided in sections 29-2519 to 29-2546 and any other proceedings  
9 related to capital cases, including motions for postconviction  
10 relief, shall continue to be operative and shall proceed as if no  
11 such moratorium were in place, except that no day certain for  
12 execution shall be appointed that falls during the moratorium  
13 period.

14 (c) During the moratorium period specified in subdivision  
15 (a) of this subsection, the Supreme Court may appoint a day certain  
16 for the execution of a death sentence that does not fall during the  
17 moratorium period.

18 Sec. 3. Section 81-1425, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 81-1425. The executive director of the commission shall:

21 (1) Supervise and be responsible for the administration  
22 of the policies established by the commission;

23 (2) Establish a Jail Standards subdivision within the  
24 commission and establish, consolidate, or abolish any other  
25 administrative subdivision within the commission and appoint and  
26 remove for cause the heads thereof, and delegate appropriate powers  
27 and duties to them;

1           (3) Establish and administer projects and programs for  
2 the operation of the commission;

3           (4) Appoint and remove employees of the commission and  
4 delegate appropriate powers and duties to them;

5           (5) Make rules and regulations for the management and the  
6 administration of policies of the commission and the conduct of  
7 employees under his or her jurisdiction;

8           (6) Collect, develop, and maintain statistical  
9 information, records, and reports as the commission may determine  
10 relevant to its functions;

11           (7) Prior to September 1, 2001, review and analyze all  
12 cases involving criminal homicide committed on or after April 20,  
13 1973. The review and analysis shall examine (a) the facts,  
14 including mitigating and aggravating circumstances, (b) to the  
15 extent such can be ascertained, the race, gender, religious  
16 preference, and economic status of the defendant, (c) the charges  
17 filed, (d) the result of the judicial proceeding in each case, and  
18 (e) the sentence imposed. Upon the completion of such review, the  
19 report of such shall be transmitted to the Governor, the Clerk of  
20 the Legislature, and the Chief Justice of the Supreme Court. The  
21 review and analysis shall be updated as new cases of criminal  
22 homicide occur. The commission shall report on such updating  
23 annually to the parties named in this subdivision;

24           (8) Transmit monthly to the commission a report of the  
25 operations of the commission for the preceding calendar month;

26           ~~(8)~~ (9) Execute and carry out the provisions of all  
27 contracts, leases, and agreements authorized by the commission with

AM0785  
LB 76  
DCC-03-12

AM0785  
LB 76  
DCC-03-12

1 agencies of federal, state, or local government, corporations, or  
2 persons;

3           ~~(9)~~ (10) Perform such additional duties as may be  
4 assigned to him or her by the commission, the chairperson of the  
5 commission, or by law; and

6           ~~(10)~~ (11) Exercise all powers and perform all duties  
7 necessary and proper in carrying out his or her responsibilities.

8           Sec. 4. Original sections 29-2521.02, 29-2528, and  
9 81-1425, Reissue Revised Statutes of Nebraska, are repealed.".