

LEGISLATIVE BILL 196

Approved by the Governor January 27, 1972

Introduced by Roland A. Luedtke, 28th District; Ramey C. Whitney, 44th District

AN ACT for submission to the electors of an amendment to Article I, section 23, of the Constitution of Nebraska, relating to Bill of Rights; to guarantee the right of appeal in all felony cases; to provide for the submission of the proposed amendment to the electors at the general election in November, 1972; to provide for the manner of submission and form of ballot; and to provide the effective date thereof.

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

Section 1. That at the general election in November, 1972, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article I, section 23, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 23. ~~The writ of error shall be a writ of right in~~ In all cases of felony ~~the defendant shall have the right of appeal to the Supreme Court;~~ and in capital cases ~~such appeal~~ shall operate as a supersedeas to stay the execution of the sentence of death, until the further order of the Supreme Court. ~~in the premises."~~

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to guarantee the right of appeal in all felony cases.

For

Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.