

LEGISLATIVE BILL 676

Approved by the Governor February 10, 1988

Introduced by Chambers, 11

AN ACT relating to grand juries; to amend section 29-1401, Reissue Revised Statutes of Nebraska, 1943; to require notification of the county coroner of certain deaths; to provide a penalty; to provide powers and duties for the county coroner; to require the calling of a grand jury as prescribed; and to repeal the original section.

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

Section 1. (1) Every hospital, emergency care facility, physician, nurse, emergency medical technician, or law enforcement officer shall immediately notify the county coroner in all cases when it appears that an individual has died while being apprehended by or while in the custody of a law enforcement officer or detention personnel.

(2) Any person who violates this section shall be guilty of a Class IV misdemeanor.

Sec. 2. In each instance when the county coroner is given notice in accordance with section 1 of this act, the coroner or coroner's physician shall perform an examination, a test, or an autopsy as he or she may deem necessary to establish, by a reasonable degree of medical certainty, the cause or causes of death and shall thereafter certify the cause or causes of death to the presiding judge of the district court.

Sec. 3. In the performance of his or her duties under section 2 of this act, the county coroner may, when applicable, invoke any or all of the provisions of sections 23-1815, 23-1816, and 23-1820.

Sec. 4. That section 29-1401, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-1401. The district courts are hereby vested with power to call grand juries. It shall be mandatory for such district courts to call a grand jury in each case upon the petition of the registered voters of the county of the number of not less than ten percent of the total vote cast for the office of Governor in such county at the most recent general election held ~~therein~~ for such office. A grand jury may be called and

summoned in the manner provided by law on such day of a regular term of the district court in each year in each county of the state as the district court may direct, and at such other times and upon such notice as the district court may deem necessary. District courts shall call a grand jury in each case upon certification by the county coroner or coroner's physician that an individual has died while being apprehended by or while in the custody of a law enforcement officer or detention personnel. Any grand jury called pursuant to this section shall be limited in its charge, powers, duties, proceedings, indictment, and report to the review of the incident or incidents which caused it to be called.

Sec. 5. That original section 29-1401, Reissue Revised Statutes of Nebraska, 1943, is repealed.