

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 238

FINAL READING

Introduced by Pansing Brooks, 28.

Read first time January 14, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to executions; to amend section 83-970,
- 2 Revised Statutes Cumulative Supplement, 2018; to change provisions
- 3 relating to witnessing executions; to harmonize provisions; and to
- 4 repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-970, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 83-970 (1) Besides the Director of Correctional Services and those
4 persons required to be present under the execution protocol, the
5 following persons, and no others, except as provided in section 83-971,
6 may be present at the execution: (a) ~~(1)~~ The member of the clergy in
7 attendance upon the convicted person; (b) ~~(2)~~ no more than three persons
8 selected by the convicted person; (c) ~~(3)~~ no more than three persons
9 representing the victim or victims of the crime; and (d) ~~(4)~~ such other
10 persons, not exceeding six in number, as the director may designate. At
11 least two persons designated by the director shall be professional
12 members of the Nebraska news media.

13 (2) Except as provided in subsection (3) of this section, the
14 Director of Correctional Services and those persons required to be
15 present under the execution protocol:

16 (a) Shall continuously witness the execution process from the moment
17 the convicted person enters the execution chamber until the convicted
18 person is declared dead or the execution is halted; and

19 (b) Shall not authorize or permit any person to obstruct, limit,
20 shield, or otherwise impede the witnessing or viewing of an execution by
21 any person permitted or required to be present at such execution.

22 (3) The person or persons administering or conducting the execution
23 under the execution protocol may, upon request, wear a mask or otherwise
24 conceal their personal identity from the witnesses.

25 Sec. 2. Original section 83-970, Revised Statutes Cumulative
26 Supplement, 2018, is repealed.