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January 28, 1999 LB 48, 72

SPEAKER KRISTENSEN: LB 48 advances. LB 72.

CLERK: (LB) 72, Mr. President, offered by Senator Chambers. (Read title.) The bill was introduced on January 7 of this year, at that time referred to Judiciary, advanced to General File. There are committee amendments pending.

SPEAKER KRISTENSEN: Senator Chambers, you're recognized to open on LB 72.

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. This bill is so straightforward and noncontroversial, I'm almost embarrassed to have my name on it as the chief sponsor. Nevertheless, I'm going to explain it. Ever since grand juries have sat in Douglas County, alternate jurors have participated. This bill is before us because a district judge in Douglas County ruled that alternates cannot participate in any manner and, based on the participation of the alternates, he threw out an indictment handed up by a grand jury. That's the rationale behind the bill. Now, let me explain something about the grand jury system. And I do this for the record. When I offer a bill, I like the record to be clear on what the bill is about. When a grand jury is summoned, either by a judge or by petition as a result of the effort of citizens, the jury commissioner will select from the jury pool list 40 names. After those 40 names are selected, a board is convened. The board consists of three people--the presiding judge of the district court in the county where the grand jury is to sit, and the presiding judge will be the chairperson. The jury commissioner is the second individual, then a third person designated by the presiding judge will be the third. From these 40 names, 16 names will be selected. Those 16 constitute the grand jurors, the regular grand jurors, to distinguish them from alternates. From this same list, three additional persons designated as alternates will be selected. The regular grand jurors are the ones who make the ultimate decision about what is to be done in the case. You can look at the grand jury proceedings as being broken into two phases--one is called the proceedings. That is when witnesses are called, evidence is produced, questioning by the grand jurors or the special prosecutor will take place. After those proceedings, the