

AMENDMENTS TO LB 1

(Amendments to Standing Committee amendments, AM9013)

1 1. On page 2, lines 9 and 10; page 7, lines 8 and 9;
2 page 12, line 3; page 14, line 24; page 15, lines 4 and 6; page 16,
3 lines 17, 19, and 22; and page 17, line 4, strike "pursuant to" and
4 insert "as provided in".

5 2. On page 4, line 12, after "alleges" insert "one or
6 more"; in lines 12 and 13 strike "if any,"; and strike beginning
7 with "prior" in line 22 through line 24 and insert "until after the
8 verdict is rendered in the trial of guilt.".

9 3. On page 6, line 4, strike ", unless" and insert ".
10 If"; in line 5 after "28-303" insert "and in which the death
11 penalty is sought"; in lines 5 and 6 strike "in which case" and
12 insert an underscored comma; in lines 6 and 7 strike "through the
13 jury determination of the alleged aggravating circumstances"; and
14 in line 22 reinstate both stricken commas.

15 4. On page 12, line 23, strike the first "the"; in line
16 24 strike the comma; in line 25 after "to" insert "a"; and in line
17 26 after "and" insert "either".

18 5. On page 13, line 3, strike "provided in this
19 subdivision" and insert "required by subdivision (2)(b) of this
20 section"; in line 9 strike the comma; in line 10 after
21 "circumstances" insert ", such determination"; in line 20 strike
22 "sit" and insert "serve"; in line 21 after "29-2004" insert "but
23 shall not participate in the jury's deliberations under this

1 subsection"; in line 22 after the first "jury" insert "serving";
2 and in line 23 strike "that found the defendant guilty of murder in
3 the first degree" and insert "which determined the defendant's
4 guilt".

5 6. On page 14, line 3, after "to" insert "the"; in line
6 19 after "(g)" insert "Upon rendering its verdict as to the
7 determination of the aggravating circumstances, the jury shall be
8 discharged."

9 (h"); and strike lines 25 and 26 and show the old matter
10 as stricken.

11 7. On page 15, line 11, strike "having been"; and in
12 line 21 after "district" insert "court".

13 8. On page 15, line 27; and page 17, line 6, after
14 "when" insert "the right to".

15 9. On page 16, line 2, after "waived" insert ", the
16 panel shall, as soon as practicable after receipt of the written
17 report resulting from the presentence investigation ordered as
18 provided in section 29-2261, hold a hearing. At such hearing"; in
19 line 5 strike "and" and insert an underscored comma; in line 6
20 strike ". Any such evidence", show as stricken, and insert ", and
21 to sentence excessiveness or disproportionality. Each aggravating
22 circumstance shall be proved beyond a reasonable doubt. Any
23 evidence at the sentencing determination proceeding"; in line 11
24 strike "sentence", show as stricken, and insert "sentencing"; in
25 line 24 strike "to the panel"; and in line 27 after "29-2523"
26 insert an underscored comma.

27 10. On page 17, line 2, after the period insert "Any

1 such evidence which the presiding judge deems to have probative
2 value may be received. The state and the defendant and his or her
3 counsel shall be permitted to present argument for or against
4 sentence of death. The presiding judge shall set forth the general
5 order of procedure at the outset of the sentencing determination
6 proceeding."; in line 7 after the first "determination" insert "of
7 the alleged aggravating circumstances"; in line 9 after "court"
8 insert an underscored comma; and strike beginning with "After" in
9 line 13 through line 15, show the old matter as stricken, and
10 insert "The panel of judges for the sentencing determination
11 proceeding".

12 11. On page 18, line 14, strike "29-2520 to 29-2522",
13 show the old matter as stricken, and insert "29-2519 to 29-2524".

14 12. On page 21, line 21, strike "29-2261,"; and in line
15 23 after the second comma insert "29-2261,".