

AMENDMENTS TO LB 377

(Amendments to Standing Committee amendments, AM912)

Introduced by Fulton, 29

1           1. Insert the following new section:

2           Sec. 12. Section 29-2523, Revised Statutes Cumulative  
3 Supplement, 2006, is amended to read:

4           29-2523 The aggravating and mitigating circumstances  
5 referred to in sections 29-2519 to 29-2524 shall be as follows:

6           (1) Aggravating Circumstances:

7           (a) The offender was previously convicted of another  
8 murder or a crime involving the use or threat of violence to the  
9 person, or has a substantial prior history of serious assaultive or  
10 terrorizing criminal activity;

11           (b) The murder was committed in an effort to conceal  
12 the commission of a crime, or to conceal the identity of the  
13 perpetrator of such crime;

14           (c) The murder was committed for hire, or for pecuniary  
15 gain, or the defendant hired another to commit the murder for the  
16 defendant;

17           (d) The murder was especially heinous, atrocious, cruel,  
18 or manifested exceptional depravity by ordinary standards of  
19 morality and intelligence;

20           (e) At the time the murder was committed, the offender  
21 also committed another murder;

22           (f) The offender knowingly created a great risk of death

1 to at least several persons;

2 (g) The victim was a public servant having lawful custody  
3 of the offender or another in the lawful performance of his or her  
4 official duties and the offender knew or should have known that the  
5 victim was a public servant performing his or her official duties;

6 (h) The murder was committed knowingly to disrupt or  
7 hinder the lawful exercise of any governmental function or the  
8 enforcement of the laws; or

9 (i) The victim was a law enforcement officer engaged in  
10 the lawful performance of his or her official duties as a law  
11 enforcement officer and the offender knew or reasonably should have  
12 known that the victim was a law enforcement officer.

13 (2) Mitigating Circumstances:

14 (a) The offender has no significant history of prior  
15 criminal activity;

16 (b) The offender acted under unusual pressures or  
17 influences or under the domination of another person;

18 (c) The crime was committed while the offender was under  
19 the influence of extreme mental or emotional disturbance;

20 (d) The age of the defendant at the time of the crime;

21 (e) The offender was an accomplice in the crime committed  
22 by another person and his or her participation was relatively  
23 minor;

24 (f) The victim was a participant in the defendant's  
25 conduct or consented to the act; ~~or~~

26 (g) At the time of the crime, the capacity of the  
27 defendant to appreciate the wrongfulness of his or her conduct

1 or to conform his or her conduct to the requirements of law  
2 was impaired as a result of mental illness, mental defect, or  
3 intoxication; or -

4 (h) The offender can reasonably and effectively be  
5 controlled by institutional security measures.

6 2. On page 14, lines 15 and 16; page 15, lines 6 and 7;  
7 and page 17, lines 12 and 13 and 21 and 22, strike "that cannot  
8 reasonably and effectively be controlled by institutional security  
9 measures".

10 3. On page 14, line 22; and page 22, line 26, strike  
11 "and" and after "29-2521.05" insert "29-2523".

12 4. Renumber the remaining sections and correct internal  
13 references and the repealer section accordingly.