

AMENDMENTS TO LB 671

Introduced by Judiciary.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 23-1212, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 23-1212 For purposes of sections 23-1212 to 23-1222 and
6 sections 3 to 5 of this act, unless the context otherwise requires:

7 (1) County attorney shall mean the county attorney of
8 a county in this state whether such position is elective or
9 appointive and regardless of whether such position is full time or
10 part time;

11 (2) Deputy county attorney shall mean an attorney
12 employed by a county in this state for the purpose of assisting
13 the county attorney in carrying out his or her responsibilities
14 regardless of whether such position is full time or part time;

15 (3) Council shall mean the Nebraska County Attorney
16 Standards Advisory Council;

17 (4) Attorney General shall mean the Nebraska Attorney
18 General;

19 (5) Commission shall mean the Nebraska Commission on Law
20 Enforcement and Criminal Justice; and

21 (6) Continuing legal education, including instruction
22 providing a working knowledge of electronic speed measurement
23 principles and instruction on the investigation and prosecution

1 of crimes against children, shall mean that type of legal
2 education, including instruction providing a working knowledge
3 of electronic speed measurement principles and instruction on the
4 investigation and prosecution of crimes against children, which has
5 application to and seeks to maintain and improve the skills of
6 the county attorney and deputy county attorney in carrying out the
7 responsibilities of his or her office or position.

8 Sec. 2. Section 23-1213, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 23-1213 There is hereby created the Nebraska County
11 Attorney Standards Advisory Council which shall consist of ~~seven~~
12 eleven members, ~~four~~ six of whom shall be either a county attorney
13 or deputy county attorney, one member being a professor of law
14 or professor of forensic science, and two members being county
15 commissioners or supervisors, one member being a county sheriff
16 or a chief of police, and one member being a certified forensic
17 pathologist. The members of such council shall be appointed by
18 the Governor. Of the county attorneys or deputy county attorneys
19 appointed to such council, one shall be from Douglas County, one
20 shall be from Lancaster County, and the remaining ~~two~~ four shall be
21 appointed from the remainder of the state. Members of the council
22 shall serve a term of four years, except that of the members first
23 appointed one member shall serve a term of one year, two members
24 shall serve a term of two years, two members shall serve a term of
25 three years, and two members shall each serve a term of four years.
26 A member may be reappointed at the expiration of his or her term.
27 Any vacancy occurring other than by expiration of a term shall be

1 filled for the remainder of the unexpired term in the same manner
2 as the original appointment. The council shall select one of its
3 members as chairperson. The Governor shall make the appointments
4 under this section within ninety days of July 19, 1980.

5 Members of the council shall have such membership
6 terminated if they cease to hold the office of county attorney,
7 deputy county attorney, ~~or~~ county commissioner or supervisor, or
8 county sheriff or chief of police. A member of the council may be
9 removed from the council for good cause upon written notice and
10 upon an opportunity to be heard before the Governor. After the
11 hearing, the Governor shall file in the office of the Secretary
12 of State a complete statement of the charges and the findings and
13 disposition together with a complete record of the proceedings.

14 Sec. 3. The council shall, with respect to ensuring
15 quality and uniform death investigation processes throughout the
16 state:

17 (1) Create and distribute uniform checklists of best
18 practices to promote uniform and quality death investigations for
19 county coroners. Such checklists may include guidance to the county
20 coroner in determining the need for autopsies involving:

21 (a) Deaths of individuals nineteen years of age or older;

22 (b) Deaths of individuals under nineteen years of age;

23 (c) Sudden, unexplained infant deaths;

24 (d) Deaths while in custody;

25 (e) Deaths caused by motor vehicle collisions;

26 (f) Deaths by burning; and

27 (g) Suspicious deaths; and

1 (2) Create standardized procedures for death
2 investigations, including death scene procedures. The council shall
3 also make recommendations as to best practices for county coroners
4 with respect to:

5 (a) The utilization of investigative tools and equipment;

6 (b) Entering the death scene;

7 (c) Documenting and evaluating the death scene;

8 (d) Documenting and evaluating the body;

9 (e) Establishing and recording decedent profile
10 information; and

11 (f) Completing the death scene investigation.

12 Persons investigating infant and young child deaths may
13 also refer to the recommendations adopted by the Attorney General
14 with respect to such investigations.

15 Sec. 4. The council shall also:

16 (1) Help establish a voluntary network of regional
17 officials including, but not limited to, law enforcement, county
18 coroners, and medical personnel to provide death investigation
19 support services for any location in Nebraska;

20 (2) Help determine the membership of such networks; and

21 (3) Develop, design, and provide standardized forms in
22 both hard copy and electronic copy for use in death investigations.

23 Sec. 5. Every person who is elected or appointed as
24 a coroner or deputy coroner in or for the State of Nebraska
25 shall satisfactorily complete initial death investigation training
26 within one year after the date of election or appointment, and
27 thereafter annually complete continuing education as determined by

1 the council.

2 Sec. 6. Section 23-1218, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 23-1218 The Nebraska Commission on Law Enforcement and
5 Criminal Justice, after consultation with the council, shall:

6 (1) Establish curricula for the implementation of a
7 mandatory continuing legal education program, including instruction
8 providing a working knowledge of electronic speed measurement
9 principles and instruction on the investigation and prosecution of
10 crimes against children, for county attorneys and deputy county
11 attorneys;

12 (2) Administer all programs of continuing legal
13 education, including instruction providing a working knowledge
14 of electronic speed measurement principles and instruction on
15 the investigation and prosecution of crimes against children,
16 for county attorneys and deputy county attorneys required under
17 sections 23-1212 to 23-1222 and sections 3 to 5 of this act;

18 (3) Evaluate the effectiveness of programs of continuing
19 legal education, including instruction providing a working
20 knowledge of electronic speed measurement principles and
21 instruction on the investigation and prosecution of crimes against
22 children, required under sections 23-1212 to 23-1222 and sections
23 3 to 5 of this act;

24 (4) Certify the number of hours of continuing legal
25 education, including instruction providing a working knowledge of
26 electronic speed measurement principles and instruction on the
27 investigation and prosecution of crimes against children, completed

1 by a county attorney and deputy county attorney as required under
2 sections 23-1212 to 23-1222 and sections 3 to 5 of this act and
3 maintain all records relating thereto;

4 (5) Report to the Attorney General the names of all
5 county attorneys and deputy county attorneys who have failed
6 to complete the number of hours of continuing legal education,
7 including instruction providing a working knowledge of electronic
8 speed measurement principles and instruction on the investigation
9 and prosecution of crimes against children, as required under
10 section 23-1217;

11 (6) Establish tuition and fees for all programs of
12 continuing legal education, including instruction providing a
13 working knowledge of electronic speed measurement principles and
14 instruction on the investigation and prosecution of crimes against
15 children, as required under sections 23-1212 to 23-1222 and
16 sections 3 to 5 of this act;

17 (7) Adopt and promulgate necessary rules and regulations
18 for the effective delivery of all programs of continuing legal
19 education, including instruction providing a working knowledge of
20 electronic speed measurement principles and instruction on the
21 investigation and prosecution of crimes against children, for
22 county attorneys and deputy county attorneys as required under
23 sections 23-1212 to 23-1222 and sections 3 to 5 of this act;

24 (8) Do all things necessary to carry out the purpose of
25 training county attorneys and deputy county attorneys as required
26 by sections 23-1212 to 23-1222 and sections 3 to 5 of this act; and

27 (9) Receive and distribute appropriated funds to the

1 Nebraska County Attorneys Association to develop, administer, and
2 conduct continuing legal education seminars, prepare and publish
3 trial manuals and other publications, and take any other measure
4 that will enhance the investigation and prosecution of crime in
5 this state.

6 Sec. 7. Original sections 23-1212, 23-1213, and 23-1218,
7 Reissue Revised Statutes of Nebraska, are repealed.