

AMENDMENTS TO LB 306

Introduced by Council, 11.

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

3 Section 1. The Auditor of Public Accounts is directed to
4 conduct an audit of the costs of administering the death penalty
5 in Nebraska. The audit is to be completed by December 1, 2010, and
6 presented in a report to the Legislature.

7 Sec. 2. The audit conducted pursuant to section 1 of this
8 act shall examine the direct and indirect costs of administering
9 the death penalty in Nebraska, including:

10 (1) The costs to the Attorney General's office for
11 expenditures for staff salaries, benefits, and operating expenses
12 related to death penalty issues including any contracting for
13 assistance;

14 (2) The costs to the Department of Correctional Services
15 for staff salaries, benefits, and operating expenses in housing
16 inmates on death row and carrying out the death penalty, including
17 any contracting for assistance;

18 (3) The costs to counties in county attorney staff time
19 and other expenses relating to the prosecution of death penalty
20 cases and in preparing for the presentation of aggravating and
21 mitigating circumstances with respect to sentencing proceedings in
22 such cases, including, but not limited to, expert witness fees,
23 additional investigations, and contracting for assistance;

1 (4) Costs to county public defenders' offices and the
2 Public Advocacy Commission in providing a defense against the
3 imposition of the death penalty;

4 (5) The costs to counties for court-appointed attorneys
5 hired to defend capital cases; and

6 (6) The costs to the Supreme Court, Court of Appeals, and
7 district courts and an estimate of the costs to the federal courts
8 in staff salaries, benefits, and operating expenses relating to the
9 disposition of capital cases.

10 Sec. 3. The audit conducted pursuant to section 1 of
11 this act shall examine those costs borne by the Attorney General,
12 the Department of Correctional Services, law enforcement, the
13 counties, the courts, and the advocacy offices involved in capital
14 cases in Nebraska in comparison to noncapital cases in Nebraska
15 for convictions of persons under section 28-303 over the past
16 twenty-five years.