

AMENDMENTS TO LB 1105

Introduced by Judiciary.

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

3           Section 1. The Community Corrections Council is directed  
4 to supervise a study of the costs of administering the death  
5 penalty in Nebraska. The study is to be completed by December 1,  
6 2010, and presented in a report to the Legislature. It is the  
7 intent of the Legislature that the Community Corrections Council  
8 use the College of Public Affairs and Community Service of the  
9 University of Nebraska at Omaha to coordinate and conduct the  
10 study. It is also the intent of the Legislature that the cost of  
11 the study not exceed fifty thousand dollars.

12           Sec. 2. The study conducted pursuant to section 1 of this  
13 act shall examine the direct and indirect costs of administering  
14 the death penalty and non-death-penalty sentences resulting from  
15 murder in the first degree in Nebraska, including:

16           (1) The costs to the Attorney General's office for  
17 expenditures for staff salaries, benefits, and operating expenses  
18 related to death penalty issues including any contracting for  
19 assistance;

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

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

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

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

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

16           Sec. 3. The study conducted pursuant to sections 1 and  
17 2 of this act shall examine those costs borne by the Attorney  
18 General, the Department of Correctional Services, law enforcement,  
19 the counties, the courts, and the advocacy offices involved in  
20 capital cases in Nebraska in comparison to noncapital cases in  
21 Nebraska for convictions of persons under section 28-303 over the  
22 past twenty-five years.