

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 671**

FINAL READING

(SECOND)

Introduced by Pirsch, 4; Pankonin, 2.

Read first time January 21, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to death investigations; to amend sections  
2 23-1212, 23-1213, and 23-1218, Reissue Revised Statutes  
3 of Nebraska; to change the membership of the Nebraska  
4 County Attorney Standards Advisory Council; to provide  
5 powers and duties for the council regarding establishment  
6 of checklists, standardized procedures, best practices, a  
7 voluntary network of regional officials, and standardized  
8 forms; to require training for coroners and deputy  
9 coroners; to provide duties for the Nebraska Commission  
10 on Law Enforcement and Criminal Justice; to harmonize  
11 provisions; and to repeal the original sections.

LB 671

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1 Be it enacted by the people of the State of Nebraska,

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

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

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

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

13           (3) Council shall mean the Nebraska County Attorney  
14 Standards Advisory Council;

15           (4) Attorney General shall mean the Nebraska Attorney  
16 General;

17           (5) Commission shall mean the Nebraska Commission on Law  
18 Enforcement and Criminal Justice; and

19           (6) Continuing legal education, including instruction  
20 providing a working knowledge of electronic speed measurement  
21 principles and instruction on the investigation and prosecution  
22 of crimes against children, shall mean that type of legal  
23 education, including instruction providing a working knowledge  
24 of electronic speed measurement principles and instruction on the  
25 investigation and prosecution of crimes against children, which has

1 application to and seeks to maintain and improve the skills of  
2 the county attorney and deputy county attorney in carrying out the  
3 responsibilities of his or her office or position.

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

6 23-1213 (1)(a) There is hereby created the Nebraska  
7 County Attorney Standards Advisory Council which, except as  
8 provided in subdivision (b) of this subsection, shall consist of  
9 seven members, four of whom shall be either a county attorney  
10 or deputy county attorney, one member being a professor of law  
11 or professor of forensic science, and two members being county  
12 commissioners or supervisors. The members of such council shall be  
13 appointed by the Governor. Of the county attorneys or deputy county  
14 attorneys appointed to such council, one shall be from Douglas  
15 County, one shall be from Lancaster County, and the remaining two  
16 shall be appointed from the remainder of the state. Members of  
17 the council shall serve a term of four years, except that of the  
18 members first appointed one member shall serve a term of one year,  
19 two members shall serve a term of two years, two members shall  
20 serve a term of three years, and two members shall each serve a  
21 term of four years.

22 (b) On and after the effective date of this act, the  
23 council shall consist of eleven members with the addition of the  
24 following four new members: (i) Two members who shall be either  
25 county attorneys or deputy county attorneys from counties other

1 than Douglas County or Lancaster County; (ii) one member who is a  
2 county sheriff or a chief of police; and (iii) one member who is a  
3 certified forensic pathologist. The new members shall serve terms  
4 of four years, except that of the new members first appointed two  
5 members shall serve terms of two years and two members shall serve  
6 terms of three years.

7           (2) A member may be reappointed at the expiration of his  
8 or her term. Any vacancy occurring other than by expiration of  
9 a term shall be filled for the remainder of the unexpired term  
10 in the same manner as the original appointment. The council shall  
11 select one of its members as chairperson. The Governor shall make  
12 the appointments under this section within ninety days of July 19,  
13 1980.

14           (3) Members of the council shall have such membership  
15 terminated if they cease to hold the office of county attorney,  
16 deputy county attorney, ~~or~~ county commissioner or supervisor, or  
17 county sheriff or chief of police. A member of the council may be  
18 removed from the council for good cause upon written notice and  
19 upon an opportunity to be heard before the Governor. After the  
20 hearing, the Governor shall file in the office of the Secretary  
21 of State a complete statement of the charges and the findings and  
22 disposition together with a complete record of the proceedings.

23           Sec. 3. The council shall, with respect to ensuring  
24 quality and uniform death investigation processes throughout the  
25 state, develop guidelines to promote uniform and quality death

1 investigations for county coroners. Such guidelines may include  
2 guidance to the county coroner in:

- 3 (1) Determining the need for autopsies involving:  
4 (a) Deaths of individuals nineteen years of age or older;  
5 (b) Deaths of individuals under nineteen years of age;  
6 (c) Sudden, unexplained infant deaths;  
7 (d) Deaths while in custody;  
8 (e) Deaths caused by motor vehicle collisions;  
9 (f) Deaths by burning; and  
10 (g) Suspicious deaths;  
11 (2) The utilization of investigative tools and equipment;  
12 (3) Entering the death scene;  
13 (4) Documenting and evaluating the death scene;  
14 (5) Documenting and evaluating the body;  
15 (6) Establishing and recording decedent profile  
16 information; and  
17 (7) Completing the death scene investigation.

18 Persons investigating infant deaths and young child  
19 deaths may also refer to the recommendations adopted by the  
20 Attorney General with respect to such investigations.

21 Sec. 4. The council shall also:

- 22 (1) Help establish a voluntary network of regional  
23 officials including, but not limited to, law enforcement, county  
24 coroners, and medical personnel to provide death investigation  
25 support services for any location in Nebraska;

- 1           (2) Help determine the membership of such networks; and  
2           (3) Develop, design, and provide standardized forms in  
3 both hard copy and electronic copy for use in death investigations.

4           Sec. 5. Every person who is elected or appointed as  
5 a coroner or deputy coroner in or for the State of Nebraska  
6 shall satisfactorily complete initial death investigation training  
7 within one year after the date of election or appointment and  
8 thereafter annually complete continuing education as determined by  
9 the council.

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

12           23-1218 The Nebraska Commission on Law Enforcement and  
13 Criminal Justice, after consultation with the council, shall:

14           (1) Establish curricula for the implementation of a  
15 mandatory continuing legal education program, including instruction  
16 providing a working knowledge of electronic speed measurement  
17 principles and instruction on the investigation and prosecution of  
18 crimes against children, for county attorneys and deputy county  
19 attorneys;

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

1           (3) Evaluate the effectiveness of programs of continuing  
2 legal education, including instruction providing a working  
3 knowledge of electronic speed measurement principles and  
4 instruction on the investigation and prosecution of crimes against  
5 children, required under sections 23-1212 to 23-1222 and sections  
6 3 to 5 of this act;

7           (4) Certify the number of hours of continuing legal  
8 education, including instruction providing a working knowledge of  
9 electronic speed measurement principles and instruction on the  
10 investigation and prosecution of crimes against children, completed  
11 by a county attorney and deputy county attorney as required under  
12 sections 23-1212 to 23-1222 and sections 3 to 5 of this act and  
13 maintain all records relating thereto;

14           (5) Report to the Attorney General the names of all  
15 county attorneys and deputy county attorneys who have failed  
16 to complete the number of hours of continuing legal education,  
17 including instruction providing a working knowledge of electronic  
18 speed measurement principles and instruction on the investigation  
19 and prosecution of crimes against children, as required under  
20 section 23-1217;

21           (6) Establish tuition and fees for all programs of  
22 continuing legal education, including instruction providing a  
23 working knowledge of electronic speed measurement principles and  
24 instruction on the investigation and prosecution of crimes against  
25 children, as required under sections 23-1212 to 23-1222 and

1 sections 3 to 5 of this act;

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

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

12           (9) Receive and distribute appropriated funds to the  
13 Nebraska County Attorneys Association to develop, administer, and  
14 conduct continuing legal education seminars, prepare and publish  
15 trial manuals and other publications, and take any other measure  
16 that will enhance the investigation and prosecution of crime in  
17 this state.

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