

ONE HUNDRED FIFTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 406

Introduced by Morfeld, 46.

PURPOSE: In 2016, Nebraska voters reinstated capital punishment in this state. As such, it is imperative that the state ensures its capital defense systems and stakeholders are meeting best practices for capital defense to ensure that the rights of the accused are upheld and to minimize liability for the counties and the state regarding ineffective assistance of counsel claims and other issues.

Several other death penalty states such as Alabama, Arizona, Georgia, Louisiana, Nevada, Ohio, Oregon, and Texas have explored and implemented the American Bar Association's Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases.

The purpose of this resolution is to examine the feasibility of adopting these standards in Nebraska and to identify and evaluate other considerations related to capital defense costs, tools, personnel, best practices, mitigation, training, and support for possible legislation or appropriations. The issues examined in this study shall include, but not be limited to:

- (1) An exploration of the current capital defense system in Nebraska;
- (2) An exploration of the American Bar Association's Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases;
- (3) An exploration of the process utilized by other death penalty states to convene stakeholders, adopt these guidelines, ensure adequate appropriations to support these guidelines, and ensure capital defense systems are meeting best practices; and
- (4) An exploration of any other legal or policy issues related to ensuring the capital defense system is meeting best practices as appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH

LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.