LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 238

Introduced by Pansing Brooks, 28.
Read first time January 14, 2019
Committee: Judiciary

A BILL FOR AN ACT relating to executions; to amend sections 83-969 and 83-970, Revised Statutes Cumulative Supplement, 2018; to require two members of the Legislature to be present for executions as prescribed; to change provisions relating to witnessing executions; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 83-969, Revised Statutes Cumulative Supplement, 2018, is amended to read:

83-969 When any convicted person is sentenced to death, such punishment shall be inflicted at a Department of Correctional Services facility under the supervision of the Director of Correctional Services and in such a manner as to exclude the view of all persons except those permitted or required to be present as provided in sections 83-970 and 83-971.

Sec. 2. Section 83-970, Revised Statutes Cumulative Supplement, 2018, is amended to read:

83-970 (1) Two members of the Legislature chosen by the Executive Board of the Legislative Council shall be present to view the execution process.

(2) Besides the Director of Correctional Services and those persons required to be present under the execution protocol, and the two members of the Legislature required to be present under subsection (1) of this section, the following persons, and no others, except as provided in section 83-971, may be present at the execution: (a) (1) The member of the clergy in attendance upon the convicted person; (b) (2) no more than three persons selected by the convicted person; (c) (3) no more than three persons representing the victim or victims of the crime; and (d) (4) such other persons, not exceeding six in number, as the director may designate. At least two persons designated by the director shall be professional members of the Nebraska news media.

(3) Except as provided in subsection (4) of this section, the Director of Correctional Services and those persons required to be present under this section or under the execution protocol:

(a) Shall continuously witness the execution process from the moment the convicted person enters the execution chamber until the convicted person is declared dead or the execution is halted; and

(b) Shall not authorize or permit any person to obstruct, limit,
shield, or otherwise impede the witnessing or viewing of an execution by
any person permitted or required to be present at such execution.

(4) The person or persons administering or conducting the execution
under the execution protocol may, upon request, wear a mask or otherwise
conceal their personal identity from the witnesses.

Sec. 3. Original sections 83-969 and 83-970, Revised Statutes
Cumulative Supplement, 2018, are repealed.