

Legislature - First Session - 2019

Introducer's Statement of Intent

LB207

Chairperson: Senator Steve Lathrop

Committee: Judiciary

Date of Hearing: March 07, 2019

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Legislative Bill 207 creates the Death Penalty Defense Standards Advisory Council to be administered by the Nebraska Commission on Public Advocacy. The Council shall consist of seven members, including the elected public defenders for Douglas County and Lancaster County, the chief counsel of the Commission, and four member-attorneys who have substantial experience in providing indigent capital defense services either as a public defender, contracting attorney, or court-appointed attorney. These four members shall be nominated by the Nebraska State Bar Association and appointed by the Commission.

The Council shall be responsible for developing and recommending to the Commission guidelines and standards for death penalty defense systems, including, but not limited to an evaluation and exploration of the current capital defense system in Nebraska; an evaluation and exploration of the American Bar Association's Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases; the feasibility of adopting such guidelines in Nebraska; an evaluation and exploration of the process utilized by other states with the death penalty to convene stakeholders, adopt such guidelines, ensure adequate appropriations to support these guidelines, and ensure capital defense systems are meeting best practices; an evaluation and exploration of any other legal or policy issues relating to ensuring the capital defense system is meeting best practices as appropriate; identifying and assessing other considerations relating to capital defense costs, including, but not limited to, court rules for appointing counsel; ensuring the availability of supportive services and expert witnesses; ensuring that death penalty attorneys have adequate personnel, including support staff, investigators, and mitigation specialists; among other related matters to consider.

Members of the Council shall serve without compensation and may request, obtain, review, and analyze information relating to capital defense in Nebraska, and other states, including, but not limited to, reports, audits, data, projections, and statistics. The Council may hold public hearings. The Council is directed to make a report on or before May 1, 2020 detailing its findings and recommendations, if any, and electronically submit the report to the Legislature and the State Court Administrator.

Principal Introducer: _____

Senator Adam Morfeld