

# **Legislature - First Session - 2019**

## **Introducer's Statement of Intent**

### **LB47**

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**Chairperson: Senator Steve Lathrop**

**Committee: Judiciary**

**Date of Hearing: January 25, 2019**

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

Section 29-1401 (4) requires that the District Court “call a grand jury [when]. . . a person has died while being apprehended by or while in the custody of a law enforcement officer or detention personnel.”

Section 29-1420 requires that the grand jury’s report be made public. This bill would prevent such disclosure “before the cases of all persons indicted have been adjudicated in district court.” Such persons include both law enforcement and detention personnel.

The premise of LB 47 is that public disclosure of the grand jury report could taint the jury pool from which jurors will be drawn to hear the cases.

The question to be answered is: Whether the constitutional guarantee of a fair trial would be compromised if the contents of a grand jury report are made public prior to completion of judicial adjudication of criminal charges.

The issue is of sufficient import and gravity to warrant a public hearing where it may be full discussed, after which an objective, informed determination may be made and an appropriate decision reached.

The following amendment should be adopted: “Page 2, line 7 after ‘court’ insert ‘and a release filed by the prosecuting attorney’.”

**Principal Introducer:** \_\_\_\_\_

Senator Ernie Chambers