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SENATOR BRUNING: Senator Chambers, is there a possibility that the result of this study could be used by those on death row for future habeas or post conviction petitions?

SENATOR CHAMBERS: No.

SENATOR BRUNING: So regard...if the study comes out and says the death penalty is not administered fairly, do you believe that these ten people would be able to use it in any fashion for future appeals?

SENATOR CHAMBERS: Let me answer the question this way, a person on death row or a person not on death row can file any paper he or she chooses. But after the time during which you can file a direct appeal, which is 30 days, has elapsed, in Nebraska what is available to you is known as a post conviction action, that means you go back to the original trial court and you raise issues relative to a violation of a constitutional right; it has to be a constitutional right. And beyond that, the error that was committed, if one was, has to be of the sort that would have possibly altered the outcome of the case. So, if there was something that was revealed which showed that in a given case a constitutional right was violated which, if it had not been violated, would have resulted in a different decision,...

PRESIDENT MAURSTAD: One minute.

SENATOR CHAMBERS: ..yes, that person can raise that issue. But the study itself or the outcome of the study itself might result in somebody filing a paper, but that doesn't mean that it will result in the overturning of a death sentence, if that's what you're asking me.

SENATOR BRUNING: Well, I did hear you say though, Senator, that may result in them filing a paper.

SENATOR CHAMBERS: Yes, that can be done right now, without this.

SENATOR BRUNING: Senator, on General File we talked about the possibility, or I submitted an amendment that received twenty-some votes to separate the study from the moratorium.