

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

April 12, 2000 LR 499

CLERK: Mr. President, LR 499, a resolution offered by Senator Chambers. It's found on Legislative Journal page 1684.

PRESIDENT MAURSTAD: Senator Chambers, you're recognized to open.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I appreciate the Speaker scheduling this resolution. I had talked to a goodly number of you about what it does so that I wouldn't have to take a lot of time on the floor, and the information that I handed around is to show that...well, let me tell what it's about. The resolution will request the Attorney General to initiate the appropriate action to see that a certain law is complied with by a judge or take action to have the Nebraska Supreme Court determine the validity of the law. The law relates to the convening of a grand jury whenever a person dies while in custody or being taken into custody by law enforcement personnel or in the custody of detention personnel. There is a judge in Deuel County who said that he thinks the law is unconstitutional so he would not impanel a grand jury. The...

PRESIDENT MAURSTAD: (Gavel)

SENATOR CHAMBERS: Thank you, Mr. President. But maybe the fact that everybody is aware of this makes it unnecessary to pay real close attention. He handed down his order. The Attorney General nor the county attorney appealed it. So in the area where that judge will operate, this particular law will not be enforced. It is not binding on any other district judge. So as Lancaster County Attorney Gary Lacey said, it puts the law in a shambles because in that area it will not be enforced. The material I handed out was for the purpose of giving you samples from around the state to show that judges and courts have been obeying this law, complying with it. The County Attorneys Association favored the law toward the end because we made some changes in the way it would function. And the other issue would be the Attorney General being requested to take this action. He had the authority under the law to appeal that judge's decision. He ought to have appealed it. Some of the material that I handed out was to show you that he has filed appeals in cases of every description, some of which were not nearly as important as