

**ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010**  
**COMMITTEE STATEMENT**  
**LB1105**

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**Hearing Date:** Wednesday February 24, 2010  
**Committee On:** Judiciary  
**Introducer:** Council  
**One Liner:** Require an audit of death penalty costs

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

<b>Aye:</b>	7	Senators Ashford, Christensen, Coash, Council, Lathrop, McGill, Rogert
<b>Nay:</b>	1	Senator Lautenbaugh
<b>Absent:</b>		
<b>Present Not Voting:</b>		

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**Proponents:**

Sen. Brenda Council  
Jim Cunningham  
Kurt Mesner  
Miriam Kelle

**Representing:**

Introducer  
Nebraska Catholic Conference  
Self  
Self

**Opponents:**

Joseph Smith

**Representing:**

County Attorneys Association

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 1105 would require that the Auditor of Public Accounts, be charged with conducting an audit of the costs of administering the death penalty in Nebraska. The audit would be completed by December 1, 2010 and submitted to the Legislature. The audit conducted will address the following topics related to the death penalty:

- Shall examine the cost of the death penalty to the Attorney General's Office for salaries, benefits and operating expenses related to the prosecution of the death penalty;
  - Examine the cost to the Department of Correctional Services for staff salaries, benefits and operating expenses including the housing of inmates on death row;
  - Examine the costs to counties in county attorney staff time and other expenses;
  - Examine the costs to the county public defenders office and the Public Advocacy Commission;
  - Costs of court-appointed attorneys hired to defend capital cases; and
  - Examine the costs to the Supreme Court, Court of Appeals and districts courts and an estimate of the cost of federal courts in staff salaries, benefits, and operating expenses related to death penalty cases.
  - The audit conducted shall also make a comparison of costs borne by the Attorney General, Department of Correctional Services, law enforcement, Counties, Courts and advocacy offices involved in capital cases compared to noncapital cases.
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**Explanation of amendments:**

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AM 2147 would make the following changes to LB 1105:

- Provides that the Community Corrections Council and not the State Auditor is directed to supervise a study of the costs of administering the death penalty in Nebraska.
- Provides that it is the intent of the Legislature that the Council use the College of Public Affairs and Community Service located at the University of Nebraska at Omaha to coordinate and conduct the study.
- Provides that the Study conducted shall examine the direct and indirect costs of administering the death penalty and non-death-penalty sentences resulting from murder in the first degree in Nebraska.
- Provides that the cost for the study shall not exceed \$50,000.

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Brad Ashford, Chairperson