

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1105

Introduced by Council, 11; Ashford, 20; Conrad, 46; Lathrop, 12.

Read first time January 21, 2010

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the death penalty; to require an audit
2 comparing the costs of administering death penalty and
3 non-death-penalty sentences resulting from murder in the
4 first degree convictions; and to provide a duty for the
5 Auditor of Public Accounts.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Auditor of Public Accounts is directed to
2 conduct an audit of the costs of administering the death penalty
3 in Nebraska. The audit is to be completed by December 1, 2010, and
4 presented in a report to the Legislature.

5 Sec. 2. The audit conducted pursuant to section 1 of this
6 act shall examine the direct and indirect costs of administering
7 the death penalty in Nebraska, including:

8 (1) The costs to the Attorney General's office for
9 expenditures for staff salaries, benefits, and operating expenses
10 related to death penalty issues including any contracting for
11 assistance;

12 (2) The costs to the Department of Correctional Services
13 for staff salaries, benefits, and operating expenses in housing
14 inmates on death row and carrying out the death penalty, including
15 any contracting for assistance;

16 (3) The costs to counties in county attorney staff time
17 and other expenses relating to the prosecution of death penalty
18 cases and in preparing for the presentation of aggravating and
19 mitigating circumstances with respect to sentencing proceedings in
20 such cases, including, but not limited to, expert witness fees,
21 additional investigations, and contracting for assistance;

22 (4) Costs to county public defenders' offices and the
23 Public Advocacy Commission in providing a defense against the
24 imposition of the death penalty;

25 (5) The costs to counties for court-appointed attorneys

1 hired to defend capital cases; and

2 (6) The costs to the Supreme Court, Court of Appeals, and
3 district courts and an estimate of the costs to the federal courts
4 in staff salaries, benefits, and operating expenses relating to the
5 disposition of capital cases.

6 Sec. 3. The audit conducted pursuant to section 1 of
7 this act shall examine those costs borne by the Attorney General,
8 the Department of Correctional Services, law enforcement, the
9 counties, the courts, and the advocacy offices involved in capital
10 cases in Nebraska in comparison to noncapital cases in Nebraska
11 for convictions of persons under section 28-303 over the past
12 twenty-five years.