



One Hundred First Legislature - First Session - 2009  
**Introducer's Statement of Intent**  
**LB 36**

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**Chairperson:** Brad Ashford  
**Committee:** Judiciary  
**Date of Hearing:** January 29, 2009

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

Last year the Nebraska Supreme Court in *State v. Mata*, 275 Neb. 1, 745 N.W.2d 229 (2008) ruled that electrocution, the sole method of execution authorized by the statutes of Nebraska, violated the state constitutional prohibition against inflicting cruel and unusual punishment.

LB 36 would change the method of execution under Nebraska law to intravenous injection of a substance or substances in a quantity sufficient to cause death. A written execution protocol would be created by the Department of Correctional Services to include the processes and procedures by which an execution is to be carried out. The creation of the protocol would include the selection of the lethal substance or substances and the protocol would be exempt from the provisions of the Administrative Procedure Act. LB 36 would also provide members of the execution team protections from disciplinary actions by a licensing board as well as a level of confidentiality, unless extraordinary good cause is shown to a court. Finally, LB 36 would update and clarify several statutory sections.

**Principal Introducer:** \_\_\_\_\_  
**Senator Mike Flood**