



One Hundred First Legislature - Second Session - 2010
Introducer's Statement of Intent
LB 842

Chairperson: Brad Ashford
Committee: Judiciary
Date of Hearing: February 4, 2010

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

LB 842 amends the Grand Jury Statutes regarding apprehended or in-custody death situations. This amendment allows for qualified government personnel to investigate and handle a grand jury thereby illuminating the costs associated with the appointment of a special prosecutor.

A grand jury investigation is mandated by law when an individual dies while being apprehended by law enforcement or dies while in custody of the State. Currently, the County Attorney handles the grand jury if the individual dies of *natural causes* while being apprehended or while in-custody. However, if an individual dies from any other cause of death (i.e. suicide, gunshot, etc), a Special Prosecutor must be appointed to handle the grand jury investigation and proceedings. This requirement mandates the hiring of a private attorney to be the Special Prosecutor and the selection of a team of peace officers to investigate the death. These costs can be significant and come out of taxpayer dollars.

Our County Attorneys and local law enforcement (city police, county sheriff, state patrol) are trusted members of the community and thoroughly capable of handling a death investigations and grand jury proceedings. As such, LB 842 takes out the provisions of § 29-1401 which mandate the appointment of a Special Prosecutor for deaths that occur while being apprehended or while in-custody of the State.

Principal Introducer:

Senator Scott Lautenbaugh