

LEGISLATURE OF NEBRASKA
 ONE HUNDRED SECOND LEGISLATURE
 FIRST SESSION
LEGISLATIVE BILL 276

Introduced by Council, 11; Conrad, 46.

Read first time January 11, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend sections
 2 23-3406, 24-1106, 25-1140.09, 28-104, 28-105, 28-303,
 3 29-1602, 29-1603, 29-1822, 29-2004, 29-2005, 29-2006,
 4 29-2020, 29-2027, 29-2204, 29-2261, 29-2282, 29-2407,
 5 29-2801, 29-3205, 29-3920, 29-3928, 29-3929, 29-3930,
 6 55-480, and 83-1,110.02, Reissue Revised Statutes of
 7 Nebraska, and sections 29-3922 and 83-4,143, Revised
 8 Statutes Cumulative Supplement, 2010; to change a penalty
 9 from death to life imprisonment without possibility of
 10 parole and change other penalties as prescribed; to
 11 eliminate capital punishment and obsolete provisions; to
 12 provide for retroactive applicability of a penalty
 13 change; to change provisions relating to restitution; to
 14 harmonize provisions; to repeal the original sections;
 15 and to outright repeal sections 24-1105, 28-105.01,
 16 29-2519, 29-2520, 29-2521, 29-2521.01, 29-2521.02,
 17 29-2521.03, 29-2521.04, 29-2521.05, 29-2522, 29-2523,

1 29-2524, 29-2524.01, 29-2524.02, 29-2525, 29-2527,
2 29-2528, 29-2811, 83-1,105.01, and 83-1,132, Reissue
3 Revised Statutes of Nebraska, and sections 29-2537,
4 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543,
5 29-2546, 83-964, 83-965, 83-966, 83-967, 83-968, 83-969,
6 83-970, 83-971, and 83-972, Revised Statutes Cumulative
7 Supplement, 2010.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Legislature finds that:

2 (1) Life is the most valuable possession of a human
3 being. The State of Nebraska should exercise utmost care to protect
4 its residents' lives from homicide, accident, and arbitrary taking by
5 this state;

6 (2) The experience of this state with the death penalty
7 has been fraught with errors, frustration, and delay due to
8 constitutional mistakes in the statutes, defective legal procedures
9 and implementation of the statutes, lack of uniformity in
10 application, and inordinately heavy expenditures of money and time;

11 (3) The financial costs of attempting to implement the
12 death penalty statutes are not justifiable in light of the other
13 needs of this state and particularly because evidence does not
14 establish that the death penalty effectively deters first-degree
15 murder;

16 (4) The history of attempts to carry out the death
17 penalty in Nebraska demonstrates an inordinate burden on the justice
18 system and on the lives of the innocent families and associates of
19 both the victims and the convicted parties;

20 (5) A maximum sentence of life imprisonment without
21 possibility of parole, subject only to the constitutional power of
22 the Board of Pardons, is preferable to the current capital punishment
23 scheme. Such a maximum sentence reflects this state's desire to
24 ensure the safety of its citizens, assist victims' families when
25 possible, and yet preserve this state's values of human life, uniform

1 fairness, and basic decency;

2 (6) The Legislature acknowledges the necessity of a Board
3 of Pardons as established by the Constitution of Nebraska and that of
4 other states and acknowledges its power to commute sentences. Parole,
5 however, is a function of the Board of Parole upon which the
6 Legislature can set limitations, and the changes made by this
7 legislative bill are intended to prohibit parole for those persons
8 given the maximum sentence for first-degree murder; and

9 (7) The existing capital punishment scheme is a failure
10 and has taken an unacceptable toll on the state's reputation for
11 simple fairness, basic decency, and care for the dignity of human
12 life. This state rejects the concept that by killing it can teach its
13 residents not to kill.

14 Sec. 2. Section 23-3406, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 23-3406 (1) The contract negotiated between the county
17 board and the contracting attorney shall specify the categories of
18 cases in which the contracting attorney is to provide services.

19 (2) The contract negotiated between the county board and
20 the contracting attorney shall be awarded for at least a two-year
21 term. Removal of the contracting attorney short of the agreed term
22 may be for good cause only.

23 (3) The contract between the county board and the
24 contracting attorney may specify a maximum allowable caseload for
25 each full-time or part-time attorney who handles cases under the

1 contract. Caseloads shall allow each lawyer to give every client the
2 time and effort necessary to provide effective representation.

3 (4) The contract between the county board and the
4 contracting attorney shall provide that the contracting attorney be
5 compensated at a minimum rate which reflects the following factors:

6 (a) The customary compensation in the community for
7 similar services rendered by a privately retained counsel to a paying
8 client or by government or other publicly paid attorneys to a public
9 client;

10 (b) The time and labor required to be spent by the
11 attorney; and

12 (c) The degree of professional ability, skill, and
13 experience called for and exercised in the performance of the
14 services.

15 (5) The contract between the county board and the
16 contracting attorney shall provide that the contracting attorney may
17 decline to represent clients with no reduction in compensation if the
18 contracting attorney is assigned more cases which require an
19 extraordinary amount of time and preparation than the contracting
20 attorney can competently handle.

21 (6) The contract between the contracting attorney and the
22 county board shall provide that the contracting attorney shall
23 receive at least ten hours of continuing legal education annually in
24 the area of criminal law. The contract between the county board and
25 the contracting attorney shall provide funds for the continuing legal

1 education of the contracting attorney in the area of criminal law.

2 (7) The contract between the county board and the
3 contracting attorney shall require that the contracting attorney
4 provide legal counsel to all clients in a professional, skilled
5 manner consistent with minimum standards set forth by the American
6 Bar Association and the Canons of Ethics for Attorneys in the State
7 of Nebraska. The contract between the county board and the
8 contracting attorney shall provide that the contracting attorney
9 shall be available to eligible defendants upon their request, or the
10 request of someone acting on their behalf, at any time the
11 Constitution of the United States or the Constitution of Nebraska
12 requires the appointment of counsel.

13 (8) The contract between the county board and the
14 contracting attorney shall provide for reasonable compensation over
15 and above the normal contract price for cases which require an
16 extraordinary amount of time and preparation, ~~including capital~~
17 ~~eases.~~

18 Sec. 3. Section 24-1106, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 24-1106 (1) In cases which were appealable to the Supreme
21 Court before September 6, 1991, the appeal, if taken, shall be to the
22 Court of Appeals except in ~~capital cases,~~ cases in which life
23 imprisonment without possibility of parole has been imposed, and
24 cases involving the constitutionality of a statute.

25 (2) Any party to a case appealed to the Court of Appeals

1 may file a petition in the Supreme Court to bypass the review by the
2 Court of Appeals and for direct review by the Supreme Court. The
3 procedure and time for filing the petition shall be as provided by
4 rules of the Supreme Court. In deciding whether to grant the
5 petition, the Supreme Court may consider one or more of the following
6 factors:

7 (a) Whether the case involves a question of first
8 impression or presents a novel legal question;

9 (b) Whether the case involves a question of state or
10 federal constitutional interpretation;

11 (c) Whether the case raises a question of law regarding
12 the validity of a statute;

13 (d) Whether the case involves issues upon which there is
14 an inconsistency in the decisions of the Court of Appeals or of the
15 Supreme Court; and

16 (e) Whether the case is one of significant public
17 interest.

18 When a petition for direct review is granted, the case
19 shall be docketed for hearing before the Supreme Court.

20 (3) The Supreme Court shall by rule provide for the
21 removal of a case from the Court of Appeals to the Supreme Court for
22 decision by the Supreme Court at any time before a final decision has
23 been made on the case by the Court of Appeals. The removal may be on
24 the recommendation of the Court of Appeals or on motion of the
25 Supreme Court. Cases may be removed from the Court of Appeals for

1 decision by the Supreme Court for any one or more of the reasons set
2 forth in subsection (2) of this section or in order to regulate the
3 caseload existing in either the Court of Appeals or the Supreme
4 Court. The Chief Judge of the Court of Appeals and the Chief Justice
5 of the Supreme Court shall regularly inform each other of the number
6 and nature of cases docketed in the respective court.

7 Sec. 4. Section 25-1140.09, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 25-1140.09 On the application of the county attorney or
10 any party to a suit in which a record of the proceedings has been
11 made, ~~upon receipt of the notice provided in section 29-2525,~~ or upon
12 the filing of a praecipe for a bill of exceptions by an appealing
13 party in the office of the clerk of the district court as provided in
14 section 25-1140, the court reporter shall prepare a transcribed copy
15 of the proceedings so recorded or any part thereof. The reporter
16 shall be entitled to receive, in addition to his or her salary, a
17 per-page fee as prescribed by the Supreme Court for the original copy
18 and each additional copy, to be paid by the party requesting the same
19 except as otherwise provided in this section.

20 When the transcribed copy of the proceedings is required
21 by the county attorney, the fee therefor shall be paid by the county
22 in the same manner as other claims are paid. When the defendant in a
23 criminal case, after conviction, makes an affidavit that he or she is
24 unable by reason of his or her poverty to pay for such copy, the
25 court or judge thereof may, by order endorsed on such affidavit,

1 direct delivery of such transcribed copy to such defendant, and the
2 fee shall be paid by the county in the same manner as other claims
3 are allowed and paid. ~~When such copy is prepared in any criminal case~~
4 ~~in which the sentence adjudged is capital, the fees therefor shall be~~
5 ~~paid by the county in the same manner as other claims are allowed or~~
6 ~~paid.~~

7 The fee for preparation of a bill of exceptions and the
8 procedure for preparation, settlement, signature, allowance,
9 certification, filing, and amendment of a bill of exceptions shall be
10 regulated and governed by rules of practice prescribed by the Supreme
11 Court. The fee paid shall be taxed, by the clerk of the district
12 court, to the party against whom the judgment or decree is rendered
13 except as otherwise ordered by the presiding district judge.

14 Sec. 5. Section 28-104, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 28-104 The terms offense and crime are synonymous as used
17 in this code and mean a violation of, or conduct defined by, any
18 statute for which a fine, or imprisonment, ~~or death~~ may be imposed.

19 Sec. 6. Section 28-105, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 28-105 (1) For purposes of the Nebraska Criminal Code and
22 any statute passed by the Legislature after the date of passage of
23 the code, felonies are divided into nine classes which are
24 distinguished from one another by the following penalties which are
25 authorized upon conviction:

| | | |
|----|---|--|
| 1 | Class I felony | Death |
| 2 | Class IA felony | Life imprisonment without parole |
| 3 | <u>Class I felony</u> | <u>Life imprisonment without possibility of parole</u> |
| 4 | <u>Class IA felony</u> | <u>Life imprisonment</u> |
| 5 | Class IB felony | Maximum - life imprisonment |
| 6 | | Minimum - twenty years imprisonment |
| 7 | Class IC felony | Maximum - fifty years imprisonment |
| 8 | | Mandatory minimum - five years imprisonment |
| 9 | Class ID felony | Maximum - fifty years imprisonment |
| 10 | | Mandatory minimum - three years imprisonment |
| 11 | Class II felony | Maximum - fifty years imprisonment |
| 12 | | Minimum - one year imprisonment |
| 13 | Class III felony | Maximum - twenty years imprisonment, or |
| 14 | | twenty-five thousand dollars fine, or both |
| 15 | | Minimum - one year imprisonment |
| 16 | Class IIIA felony | Maximum - five years imprisonment, or |
| 17 | | ten thousand dollars fine, or both |
| 18 | | Minimum - none |
| 19 | Class IV felony | Maximum - five years imprisonment, or |
| 20 | | ten thousand dollars fine, or both |
| 21 | | Minimum - none |
| 22 | (2)(a) All sentences of imprisonment for Class <u>I</u> , <u>IA</u> , <u>IB</u> , | |

1 IC, ID, II, and III felonies and sentences of one year or more for
2 Class IIIA and IV felonies shall be served in institutions under the
3 jurisdiction of the Department of Correctional Services.

4 (b) Sentences of less than one year shall be served in
5 the county jail except as provided in this subsection. If the
6 department certifies that it has programs and facilities available
7 for persons sentenced to terms of less than one year, the court may
8 order that any sentence of six months or more be served in any
9 institution under the jurisdiction of the department. Any such
10 certification shall be given by the department to the State Court
11 Administrator, who shall forward copies thereof to each judge having
12 jurisdiction to sentence in felony cases.

13 (3) Nothing in this section shall limit the authority
14 granted in sections 29-2221 and 29-2222 to increase sentences for
15 habitual criminals.

16 (4) A person convicted of a felony for which a mandatory
17 minimum sentence is prescribed shall not be eligible for probation.

18 Sec. 7. Section 28-303, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 28-303 A person commits murder in the first degree if he
21 or she kills another person (1) purposely and with deliberate and
22 premeditated malice, or (2) in the perpetration of or attempt to
23 perpetrate any sexual assault in the first degree, arson, robbery,
24 kidnapping, hijacking of any public or private means of
25 transportation, or burglary, or (3) by administering poison or

1 causing the same to be done; or if by willful and corrupt perjury or
2 subornation of the same he or she purposely procures the conviction
3 and execution of any innocent person. ~~The determination of whether~~
4 ~~murder in the first degree shall be punished as a Class I or Class IA~~
5 ~~felony shall be made pursuant to sections 29-2519 to 29-2524. Murder~~
6 in the first degree is a Class I felony.

7 Sec. 8. Section 29-1602, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 29-1602 All informations shall be filed in the court
10 having jurisdiction of the offense specified therein, by the
11 prosecuting attorney of the proper county as informant. The
12 prosecuting attorney shall subscribe his or her name thereto and
13 endorse thereon the names of the witnesses known to him or her at the
14 time of filing. After the information has been filed, the prosecuting
15 attorney shall endorse on the information the names of such other
16 witnesses as shall then be known to him or her as the court in its
17 discretion may prescribe. ~~, except that if a notice of aggravation is~~
18 ~~contained in the information as provided in section 29-1603, the~~
19 ~~prosecuting attorney may endorse additional witnesses at any time up~~
20 ~~to and including the thirtieth day prior to the trial of guilt.~~

21 Sec. 9. Section 29-1603, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 29-1603 (1) All informations shall be verified by the
24 oath of the county attorney, complainant, or some other person, and
25 the offenses charged therein shall be stated with the same fullness

1 and precision in matters of substance as is required in indictments
2 in like cases.

3 ~~(2)(a) Any information charging a violation of section~~
4 ~~28-303 and in which the death penalty is sought shall contain a~~
5 ~~notice of aggravation which alleges one or more aggravating~~
6 ~~circumstances, as such aggravating circumstances are provided in~~
7 ~~section 29-2523. The notice of aggravation shall be filed as provided~~
8 ~~in section 29-1602. It shall constitute sufficient notice to describe~~
9 ~~the alleged aggravating circumstances in the language provided in~~
10 ~~section 29-2523.~~

11 ~~(b) The state shall be permitted to add to or amend a~~
12 ~~notice of aggravation at any time up to and including the thirtieth~~
13 ~~day prior to the trial of guilt.~~

14 ~~(c) The existence or contents of a notice of aggravation~~
15 ~~shall not be disclosed to the jury until after the verdict is~~
16 ~~rendered in the trial of guilt.~~

17 ~~(3)-(2)~~ Different offenses and different degrees of the
18 same offense may be joined in one information, in all cases in which
19 the same might by different counts be joined in one indictment; and
20 in all cases a defendant or defendants shall have the same right, as
21 to proceedings therein, as the defendant or defendants would have if
22 prosecuted for the same offense upon indictment.

23 Sec. 10. Section 29-1822, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 29-1822 A person who becomes mentally incompetent after

1 the commission of a crime or misdemeanor shall not be tried for the
2 offense during the continuance of the incompetency. If, after the
3 verdict of guilty and before judgment pronounced, such person becomes
4 mentally incompetent, then no judgment shall be given while such
5 incompetency continues. ~~shall continue; and if, after judgment and~~
6 ~~before execution of the sentence, such person shall become mentally~~
7 ~~incompetent, then in case the punishment be capital, the execution~~
8 ~~thereof shall be stayed until the recovery of such person from the~~
9 ~~incompetency.~~

10 Sec. 11. Section 29-2004, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 29-2004 (1) All parties may stipulate that the jury may
13 be selected up to thirty-one days prior to the date of trial. The
14 stipulation must be unanimous among all parties and evidenced by a
15 joint stipulation to the county court.

16 (2) In all cases, except as may be otherwise expressly
17 provided, the accused shall be tried by a jury drawn, summoned, and
18 impaneled according to provisions of the code of civil procedure,
19 except that whenever in the opinion of the court the trial is likely
20 to be a protracted one, the court may, immediately after the jury is
21 impaneled and sworn, direct the calling of one or two additional
22 jurors, to be known as alternate jurors. Such jurors shall be drawn
23 from the same source and in the same manner, and have the same
24 qualifications as regular jurors, and be subject to examination and
25 challenge as such jurors, except that each party shall be allowed one

1 peremptory challenge to each alternate juror. The alternate jurors
2 shall take the proper oath or affirmation and shall be seated near
3 the regular jurors with equal facilities for seeing and hearing the
4 proceedings in the cause, and shall attend at all times upon the
5 trial of the cause in company with the regular jurors. They shall
6 obey all orders and admonitions of the court, and if the regular
7 jurors are ordered to be kept in the custody of an officer during the
8 trial of the cause, the alternate jurors shall also be kept with the
9 other jurors and, except as hereinafter provided, shall be discharged
10 upon the final submission of the cause to the jury. ~~If an information~~
11 ~~charging a violation of section 28-303 and in which the death penalty~~
12 ~~is sought contains a notice of aggravation, the alternate jurors~~
13 ~~shall be retained as provided in section 29-2520.~~ If, before the
14 final submission of the cause a regular juror dies or is discharged,
15 the court shall order the alternate juror, if there is but one, to
16 take his or her place in the jury box. If there are two alternate
17 jurors the court shall select one by lot, who shall then take his or
18 her place in the jury box. After an alternate juror is in the jury
19 box he or she shall be subject to the same rules as a regular juror.

20 Sec. 12. Section 29-2005, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 29-2005 Every person arraigned for any crime punishable
23 ~~with death, or by imprisonment for life without possibility of parole~~
24 ~~or imprisonment for life,~~ shall be admitted on his or her trial to a
25 peremptory challenge of twelve jurors. Every, ~~and no more; every~~

1 person arraigned for any offense that may be punishable by
 2 imprisonment for a term exceeding eighteen months and less than life,
 3 shall be admitted to a peremptory challenge of six jurors. In ~~and~~
 4 ~~in~~ all other criminal trials, the defendant shall be allowed a
 5 peremptory challenge of three jurors. The attorney prosecuting on
 6 behalf of the state shall be admitted to a peremptory challenge of
 7 twelve jurors in all cases when the offense is punishable ~~with death~~
 8 ~~or~~ by imprisonment for life without possibility of parole or
 9 imprisonment for life, six jurors when the offense is punishable by
 10 imprisonment for a term exceeding eighteen months and less than life,
 11 and three jurors in all other cases. In each case for which ~~+~~
 12 ~~Provided, that in all cases where~~ alternate jurors are called, as
 13 provided in section 29-2004, ~~then in that case~~ both the defendant and
 14 the attorney prosecuting for the state shall each be allowed one
 15 added peremptory challenge to each alternate juror.

16 Sec. 13. Section 29-2006, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 29-2006 The following shall be good causes for challenge
 19 to any person called as a juror or alternate juror, on the trial of
 20 any indictment:

21 (1) That he or she was a member of the grand jury which
 22 found the indictment;

23 (2) ~~that he~~ That he or she has formed or expressed an
 24 opinion as to the guilt or innocence of the accused. However, ~~+~~
 25 ~~Provided,~~ if a juror or alternate juror ~~shall state~~ states that he or

1 she has formed or expressed an opinion as to the guilt or innocence
2 of the accused, the court shall thereupon proceed to examine, on
3 oath, such juror or alternate juror as to the ground of such opinion;
4 and if it ~~shall appear~~ appears to have been founded upon reading
5 newspaper statements, communications, comments, or reports, or upon
6 rumor or hearsay, and not upon conversations with witnesses of the
7 transactions or reading reports of their testimony or hearing them
8 testify, and the juror or alternate juror ~~shall say~~ says on oath that
9 he or she feels able, notwithstanding such opinion, to render an
10 impartial verdict upon the law and the evidence, the court, if
11 satisfied that such juror or alternate juror is impartial and will
12 render such verdict, may, in its discretion, admit such juror or
13 alternate juror as competent to serve in such case;

14 ~~(3) in indictments for an offense the punishment whereof~~
15 ~~is capital, that his opinions are such as to preclude him from~~
16 ~~finding the accused guilty of an offense punishable with death; (4)~~
17 ~~that he~~ That he or she is a relation within the fifth degree to the
18 person alleged to be injured or attempted to be injured, or to the
19 person on whose complaint the prosecution was instituted, or to the
20 defendant; ~~(5) that he~~

21 (4) That he or she has served on the petit jury which was
22 sworn in the same cause against the same defendant and which jury
23 either rendered a verdict which was set aside or was discharged,
24 after hearing the evidence; ~~(6) that he~~

25 (5) That he or she has served as a juror in a civil case

1 brought against the defendant for the same act; ~~(7) that he~~
2 (6) That he or she has been in good faith subpoenaed as a
3 witness in the case; ~~(8) that he~~

4 (7) That he or she is a habitual drunkard; and
5 ~~(9) the~~ (8) The same challenges ~~shall be as~~ are allowed
6 in ~~criminal prosecutions that are allowed to parties in~~ civil cases.

7 Sec. 14. Section 29-2020, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 29-2020 ~~Except as provided in section 29-2525 for cases~~
10 ~~when the punishment is capital, in~~ In all criminal cases when a
11 defendant feels aggrieved by any opinion or decision of the court, he
12 or she may order a bill of exceptions. The ordering, preparing,
13 signing, filing, correcting, and amending of the bill of exceptions
14 shall be governed by the rules established in such matters in civil
15 cases.

16 Sec. 15. Section 29-2027, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 29-2027 In all trials for murder the jury before whom
19 such trial is had, if they find the prisoner guilty thereof, shall
20 ascertain in their verdict whether it is murder in the first or
21 second degree or manslaughter; and if such person is convicted by
22 confession in open court, the court shall proceed by examination of
23 witnesses in open court, to determine the degree of the crime, and
24 shall pronounce sentence accordingly. ~~or as provided in sections~~
25 ~~29-2519 to 29-2524 for murder in the first degree.~~

1 Sec. 16. Section 29-2204, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 29-2204 (1) Except when ~~a term of life imprisonment~~
4 ~~without parole is required by law, the defendant is found guilty of a~~
5 Class I or IA felony, in imposing an indeterminate sentence upon an
6 offender the court shall:

7 ~~(a)(i) Until July 1, 1998, fix the minimum and maximum~~
8 ~~limits of the sentence to be served within the limits provided by~~
9 ~~law, except that when a maximum limit of life is imposed by the court~~
10 ~~for a Class IB felony, the minimum limit may be any term of years not~~
11 ~~less than the statutory mandatory minimum; and~~

12 ~~(ii) Beginning July 1, 1998:~~

13 ~~(A)~~(a)(i) Fix the minimum and maximum limits of the
14 sentence to be served within the limits provided by law for any class
15 of felony other than a Class IV felony, except that when a maximum
16 limit of life is imposed by the court for a Class IB felony, the
17 minimum limit may be any term of years not less than the statutory
18 mandatory minimum. If the criminal offense is a Class IV felony, the
19 court shall fix the minimum and maximum limits of the sentence, but
20 the minimum limit fixed by the court shall not be less than the
21 minimum provided by law nor more than one-third of the maximum term
22 and the maximum limit shall not be greater than the maximum provided
23 by law; or

24 ~~(B)~~(ii) Impose a definite term of years, in which event
25 the maximum term of the sentence shall be the term imposed by the

1 court and the minimum term shall be the minimum sentence provided by
2 law;

3 (b) Advise the offender on the record the time the
4 offender will serve on his or her minimum term before attaining
5 parole eligibility assuming that no good time for which the offender
6 will be eligible is lost; and

7 (c) Advise the offender on the record the time the
8 offender will serve on his or her maximum term before attaining
9 mandatory release assuming that no good time for which the offender
10 will be eligible is lost.

11 If any discrepancy exists between the statement of the
12 minimum limit of the sentence and the statement of parole eligibility
13 or between the statement of the maximum limit of the sentence and the
14 statement of mandatory release, the statements of the minimum limit
15 and the maximum limit shall control the calculation of the offender's
16 term. If the court imposes more than one sentence upon an offender or
17 imposes a sentence upon an offender who is at that time serving
18 another sentence, the court shall state whether the sentences are to
19 be concurrent or consecutive.

20 (2)(a) When the court is of the opinion that imprisonment
21 may be appropriate but desires more detailed information as a basis
22 for determining the sentence to be imposed than has been provided by
23 the presentence report required by section 29-2261, the court shall
24 commit an offender to the Department of Correctional Services for a
25 period not exceeding ninety days. The department shall conduct a

1 complete study of the offender during that time, inquiring into such
2 matters as his or her previous delinquency or criminal experience,
3 social background, capabilities, and mental, emotional, and physical
4 health and the rehabilitative resources or programs which may be
5 available to suit his or her needs. By the expiration of the period
6 of commitment or by the expiration of such additional time as the
7 court shall grant, not exceeding a further period of ninety days, the
8 offender shall be returned to the court for sentencing and the court
9 shall be provided with a written report of the results of the study,
10 including whatever recommendations the department believes will be
11 helpful to a proper resolution of the case. After receiving the
12 report and the recommendations, the court shall proceed to sentence
13 the offender in accordance with subsection (1) of this section. The
14 term of the sentence shall run from the date of original commitment
15 under this subsection.

16 (b) In order to encourage the use of this procedure in
17 appropriate cases, all costs incurred during the period the defendant
18 is held in a state institution under this subsection shall be a
19 responsibility of the state and the county shall be liable only for
20 the cost of delivering the defendant to the institution and the cost
21 of returning him or her to the appropriate court for sentencing or
22 such other disposition as the court may then deem appropriate.

23 (3) ~~Except when a term of life is required by law, the~~
24 defendant is found guilty of a Class I or Class IA felony, whenever
25 the defendant was under eighteen years of age at the time he or she

1 committed the crime for which he or she was convicted, the court may,
2 in its discretion, instead of imposing the penalty provided for the
3 crime, make such disposition of the defendant as the court deems
4 proper under the Nebraska Juvenile Code. Prior to making a
5 disposition which commits the juvenile to the Office of Juvenile
6 Services, the court shall order the juvenile to be evaluated by the
7 office if the juvenile has not had an evaluation within the past
8 twelve months.

9 Sec. 17. Section 29-2261, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 29-2261 (1) Unless it is impractical to do so, when an
12 offender has been convicted of a felony, ~~other than murder in the~~
13 ~~first degree,~~ the court shall not impose sentence without first
14 ordering a presentence investigation of the offender and according
15 due consideration to a written report of such investigation. ~~When an~~
16 ~~offender has been convicted of murder in the first degree and (a) a~~
17 ~~jury renders a verdict finding the existence of one or more~~
18 ~~aggravating circumstances as provided in section 29-2520 or (b)(i)~~
19 ~~the information contains a notice of aggravation as provided in~~
20 ~~section 29-1603 and (ii) the offender waives his or her right to a~~
21 ~~jury determination of the alleged aggravating circumstances, the~~
22 ~~court shall not commence the sentencing determination proceeding as~~
23 ~~provided in section 29-2521 without first ordering a presentence~~
24 ~~investigation of the offender and according due consideration to a~~
25 ~~written report of such investigation.~~

1 (2) A court may order a presentence investigation in any
2 case, except in cases in which an offender has been convicted of a
3 Class IIIA misdemeanor, a Class IV misdemeanor, a Class V
4 misdemeanor, a traffic infraction, or any corresponding city or
5 village ordinance.

6 (3) The presentence investigation and report shall
7 include, when available, an analysis of the circumstances attending
8 the commission of the crime, the offender's history of delinquency or
9 criminality, physical and mental condition, family situation and
10 background, economic status, education, occupation, and personal
11 habits, and any other matters that the probation officer deems
12 relevant or the court directs to be included. All local and state
13 police agencies and Department of Correctional Services adult
14 correctional facilities shall furnish to the probation officer copies
15 of such criminal records, in any such case referred to the probation
16 officer by the court of proper jurisdiction, as the probation officer
17 shall require without cost to the court or the probation officer.

18 Such investigation shall also include:

19 (a) Any written statements submitted to the county
20 attorney by a victim; and

21 (b) Any written statements submitted to the probation
22 officer by a victim.

23 (4) If there are no written statements submitted to the
24 probation officer, he or she shall certify to the court that:

25 (a) He or she has attempted to contact the victim; and

1 (b) If he or she has contacted the victim, such officer
2 offered to accept the written statements of the victim or to reduce
3 such victim's oral statements to writing.

4 For purposes of subsections (3) and (4) of this section,
5 the term victim shall be as defined in section 29-119.

6 (5) Before imposing sentence, the court may order the
7 offender to submit to psychiatric observation and examination for a
8 period of not exceeding sixty days or such longer period as the court
9 determines to be necessary for that purpose. The offender may be
10 remanded for this purpose to any available clinic or mental hospital,
11 or the court may appoint a qualified psychiatrist to make the
12 examination. The report of the examination shall be submitted to the
13 court.

14 (6) Any presentence report or psychiatric examination
15 shall be privileged and shall not be disclosed directly or indirectly
16 to anyone other than a judge, probation officers to whom an
17 offender's file is duly transferred, the probation administrator or
18 his or her designee, or others entitled by law to receive such
19 information, including personnel and mental health professionals for
20 the Nebraska State Patrol specifically assigned to sex offender
21 registration and community notification for the sole purpose of using
22 such report or examination for assessing risk and for community
23 notification of registered sex offenders. For purposes of this
24 subsection, mental health professional means (a) a practicing
25 physician licensed to practice medicine in this state under the

1 Medicine and Surgery Practice Act, (b) a practicing psychologist
2 licensed to engage in the practice of psychology in this state as
3 provided in section 38-3111, or (c) a practicing mental health
4 professional licensed or certified in this state as provided in the
5 Mental Health Practice Act. The court may permit inspection of the
6 report or examination of parts thereof by the offender or his or her
7 attorney, or other person having a proper interest therein, whenever
8 the court finds it is in the best interest of a particular offender.
9 The court may allow fair opportunity for an offender to provide
10 additional information for the court's consideration.

11 (7) If an offender is sentenced to imprisonment, a copy
12 of the report of any presentence investigation or psychiatric
13 examination shall be transmitted immediately to the Department of
14 Correctional Services. Upon request, the Board of Parole or the
15 Office of Parole Administration may receive a copy of the report from
16 the department.

17 ~~(8) Notwithstanding subsection (6) of this section, the~~
18 ~~Nebraska Commission on Law Enforcement and Criminal Justice under the~~
19 ~~direction and supervision of the Chief Justice of the Supreme Court~~
20 ~~shall have access to presentence investigations and reports for the~~
21 ~~sole purpose of carrying out the study required under subdivision (7)~~
22 ~~of section 81-1425. The commission shall treat such information as~~
23 ~~confidential, and nothing identifying any individual shall be~~
24 ~~released by the commission.~~

25 ~~(9)-(8)~~ Notwithstanding subsection (6) of this section,

1 the Supreme Court or an agent of the Supreme Court acting under the
2 direction and supervision of the Chief Justice shall have access to
3 psychiatric examinations and presentence investigations and reports
4 for research purposes. The Supreme Court and its agent shall treat
5 such information as confidential and nothing identifying any
6 individual shall be released.

7 Sec. 18. Section 29-2282, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 29-2282 In determining restitution, if the offense
10 results in damage, destruction, or loss of property, the court may
11 require: (1) Return of the property to the victim, if possible; (2)
12 payment of the reasonable value of repairing the property, including
13 property returned by the defendant; or (3) payment of the reasonable
14 replacement value of the property, if return or repair is impossible,
15 impractical, or inadequate. If the offense results in bodily injury,
16 the court may require payment of necessary medical care, including,
17 but not limited to, physical or psychological treatment and therapy,
18 and payment for income lost due to such bodily injury. If the offense
19 results in the death of the victim, the court may require payment to
20 be made to the estate of the victim for any pain and suffering of the
21 victim caused by the offense, for the cost of any medical care prior
22 to death, and for funeral and burial expenses.

23 Sec. 19. Section 29-2407, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 29-2407 Judgments for fines and costs in criminal cases

1 shall be a lien upon all the property of the defendant within the
2 county from the time of docketing the case by the clerk of the proper
3 court, and judgments upon forfeited recognizance shall be a like lien
4 from the time of forfeiture. No property of any convict shall be
5 exempt from execution issued upon any such judgment as set out in
6 this section against such convict except in cases when the convict is
7 sentenced to a Department of Correctional Services adult correctional
8 facility for a period of more than two years, ~~or to suffer death,~~ in
9 which ~~eases~~ case there shall be the same exemptions as at the time
10 may be provided by law for civil cases. The lien on real estate of
11 any such judgment for costs shall terminate as provided in section
12 25-1716.

13 Sec. 20. A sentence of life imprisonment without
14 possibility of parole imposed for a Class I felony means that subject
15 only to the constitutional power of the Board of Pardons in Article
16 IV, section 13, of the Constitution of Nebraska to modify such
17 sentence by commutation, a person so sentenced shall not under any
18 circumstances whatsoever be paroled. A sentence of life imprisonment
19 imposed for a Class IA felony means that the person so sentenced
20 shall be eligible for consideration of parole only under the
21 conditions prescribed by sections 83-192 and 83-1,106 to 83-1,125.

22 Sec. 21. The changes made by this legislative bill shall
23 not (1) limit the discretionary authority of the sentencing court to
24 order restitution as part of any sentence or (2) alter the discretion
25 and authority of the Department of Correctional Services to determine

1 the appropriate security measures and conditions during the
2 confinement of any committed offender.

3 Sec. 22. In any criminal proceeding in which the death
4 penalty has been imposed but not carried out prior to the effective
5 date of this act, it is the intention, will, and sense of the
6 Legislature that such penalty shall be changed to life imprisonment
7 without possibility of parole.

8 Sec. 23. Section 29-2801, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 29-2801 If any person, except persons convicted of some
11 crime or offense for which they stand committed, ~~or persons committed~~
12 ~~for treason or felony, the punishment whereof is capital, plainly and~~
13 ~~specially expressed in the warrant of commitment, now or in the~~
14 ~~future, is or shall be~~ confined in any jail of this state, ~~or shall~~
15 ~~be~~ is unlawfully deprived of his or her liberty, and ~~shall make~~ makes
16 application, either by ~~him~~ himself or herself or by any person on his
17 or her behalf, to any one of the judges of the district court, or to
18 any county judge, and does at the same time produce to such judge a
19 copy of the commitment or cause of detention of such person, or if
20 the person so imprisoned or detained is imprisoned or detained
21 without any legal authority, upon making the same appear to such
22 judge, by oath or affirmation, it ~~shall be his duty~~ is the duty of
23 the judge forthwith to allow a writ of habeas corpus, which writ
24 shall be issued forthwith by the clerk of the district court, or by
25 the county judge, as the case may require, under the seal of the

1 court whereof the person allowing such writ is a judge, directed to
2 the proper officer, person, or persons who ~~detains~~ detain such
3 prisoner.

4 Sec. 24. Section 29-3205, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 29-3205 ~~Sections 29-3201 to 29-3210 do~~ The Uniform
7 Rendition of Prisoners as Witnesses in Criminal Proceedings Act shall
8 not apply to any person in this state confined as mentally ill, ~~or~~
9 ~~under sentence of death.~~

10 Sec. 25. Section 29-3920, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 29-3920 The Legislature finds that:

13 (1) County property owners should be given some relief
14 from the obligation of providing mandated indigent defense services
15 which in most instances are required because of state laws
16 establishing crimes and penalties;

17 (2) Property tax relief can be accomplished if the state
18 begins to assist the counties with the obligation of providing
19 indigent defense services required by state laws establishing crimes
20 and penalties;

21 (3) Property tax relief in the form of state assistance
22 to the counties of Nebraska in providing for indigent defense
23 services will also increase accountability because the state, which
24 is the governmental entity responsible for passing criminal statutes,
25 will likewise be responsible for paying some of the costs;

1 (4) Property tax relief in the form of state assistance
2 to the counties of Nebraska in providing for indigent defense
3 services will also improve inconsistent and inadequate funding of
4 indigent defense services by the counties;

5 (5) Property tax relief in the form of state assistance
6 to the counties of Nebraska in providing for indigent defense
7 services will also lessen the impact on county property taxpayers of
8 the cost of a high profile ~~death penalty~~ murder in the first degree
9 case which can significantly affect the finances of the counties; and

10 (6) To accomplish property tax relief in the form of the
11 state assisting the counties of Nebraska in providing for indigent
12 defense services, the Commission on Public Advocacy Operations Cash
13 Fund should be established to fund the operation of the Commission on
14 Public Advocacy and to fund reimbursement requests as determined by
15 section 29-3933.

16 Sec. 26. Section 29-3922, Revised Statutes Cumulative
17 Supplement, 2010, is amended to read:

18 29-3922 For purposes of the County Revenue Assistance
19 Act:

20 (1) Chief counsel means an attorney appointed to be the
21 primary administrative officer of the commission pursuant to section
22 29-3928;

23 (2) Commission means the Commission on Public Advocacy;

24 (3) Commission staff means attorneys, investigators, and
25 support staff who are performing work for the ~~capital~~ first-degree

1 murder litigation division, appellate division, DNA testing division,
2 and major case resource center;

3 (4) Contracting attorney means an attorney contracting to
4 act as a public defender pursuant to sections 23-3404 to 23-3408;

5 (5) Court-appointed attorney means an attorney other than
6 a contracting attorney or a public defender appointed by the court to
7 represent an indigent person;

8 (6) Indigent defense services means legal services
9 provided to indigent persons by an indigent defense system in ~~capital~~
10 murder in the first degree cases, felony cases, misdemeanor cases,
11 juvenile cases, mental health commitment cases, child support
12 enforcement cases, and paternity establishment cases;

13 (7) Indigent defense system means a system of providing
14 services, including any services necessary for litigating a case, by
15 a contracting attorney, court-appointed attorney, or public defender;

16 (8) Indigent person means a person who is indigent and
17 unable to obtain legal counsel as determined pursuant to subdivision
18 (3) of section 29-3901; and

19 (9) Public defender means an attorney appointed or
20 elected pursuant to sections 23-3401 to 23-3403.

21 Sec. 27. Section 29-3928, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 29-3928 The commission shall appoint a chief counsel. The
24 responsibilities and duties of the chief counsel shall be defined by
25 the commission and shall include the overall supervision of the

1 workings of the various divisions of the commission. The chief
2 counsel shall be qualified for his or her position, shall have been
3 licensed to practice law in the State of Nebraska for at least five
4 years prior to the effective date of the appointment, and shall be
5 experienced in the practice of criminal defense, including the
6 defense of ~~capital-first-degree murder~~ cases. The chief counsel shall
7 serve at the pleasure of the commission. The salary of the chief
8 counsel shall be set by the commission.

9 Sec. 28. Section 29-3929, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 29-3929 The primary duties of the chief counsel shall be
12 to provide direct legal services to indigent defendants, and the
13 chief counsel shall:

14 (1) Supervise the operations of the appellate division,
15 the ~~capital-first-degree murder~~ litigation division, the DNA testing
16 division, and the major case resource center;

17 (2) Prepare a budget and disburse funds for the
18 operations of the commission;

19 (3) Present to the commission an annual report on the
20 operations of the commission, including an accounting of all funds
21 received and disbursed, an evaluation of the cost-effectiveness of
22 the commission, and recommendations for improvement;

23 (4) Convene or contract for conferences and training
24 seminars related to criminal defense;

25 (5) Perform other duties as directed by the commission;

1 (6) Establish and administer projects and programs for
2 the operation of the commission;

3 (7) Appoint and remove employees of the commission and
4 delegate appropriate powers and duties to them;

5 (8) Adopt and promulgate rules and regulations for the
6 management and administration of policies of the commission and the
7 conduct of employees of the commission;

8 (9) Transmit monthly to the commission a report of the
9 operations of the commission for the preceding calendar month;

10 (10) Execute and carry out all contracts, leases, and
11 agreements authorized by the commission with agencies of federal,
12 state, or local government, corporations, or persons; and

13 (11) Exercise all powers and perform all duties necessary
14 and proper in carrying out his or her responsibilities.

15 Sec. 29. Section 29-3930, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 29-3930 The following divisions are established within
18 the commission:

19 (1) The ~~capital-first-degree murder~~ litigation division
20 shall be available to assist in the defense of ~~capital-first-degree~~
21 murder cases in Nebraska, subject to caseload standards of the
22 commission;

23 (2) The appellate division shall be available to
24 prosecute appeals to the Court of Appeals and the Supreme Court,
25 subject to caseload standards of the commission;

1 (3) The violent crime and drug defense division shall be
2 available to assist in the defense of certain violent and drug crimes
3 as defined by the commission, subject to the caseload standards of
4 the commission;

5 (4) The DNA testing division shall be available to assist
6 in representing persons who are indigent who have filed a motion
7 pursuant to the DNA Testing Act, subject to caseload standards; and

8 (5) The major case resource center shall be available to
9 assist public defenders, contracting attorneys, or court-appointed
10 attorneys with the defense of a felony offense, subject to caseload
11 standards of the commission.

12 Sec. 30. Section 55-480, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 55-480 Though not specifically mentioned in ~~this code,~~
15 the Nebraska Code of Military Justice, all disorders and neglects to
16 the prejudice of good order and discipline in the armed forces, all
17 conduct of a nature to bring discredit upon the armed forces, and all
18 crimes and offenses ~~not capital,~~ of which persons subject to ~~this the~~
19 code may be guilty, shall be taken cognizance of by a court-martial,
20 according to the nature and degree of the offense, and shall be
21 punished at the discretion of that court.

22 Sec. 31. Section 83-1,110.02, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 83-1,110.02 (1) A committed offender who is otherwise
25 eligible for parole, who is not under sentence of ~~death—~~life

1 imprisonment without possibility of parole or of life imprisonment,
2 and who because of an existing medical or physical condition is
3 determined by the department to be terminally ill or permanently
4 incapacitated may be considered for medical parole by the board. A
5 committed offender may be eligible for medical parole in addition to
6 any other parole. The department shall identify committed offenders
7 who may be eligible for medical parole based upon their medical
8 records.

9 (2) The board shall decide to grant medical parole only
10 after a review of the medical, institutional, and criminal records of
11 the committed offender and such additional medical evidence from
12 board-ordered examinations or investigations as the board in its
13 discretion determines to be necessary. The decision to grant medical
14 parole and to establish conditions of release on medical parole in
15 addition to the conditions stated in subsection (3) of this section
16 is within the sole discretion of the board.

17 (3) As conditions of release on medical parole, the board
18 shall require that the committed offender agree to placement for
19 medical treatment and that he or she be placed for a definite or
20 indefinite period of time in a hospital, a hospice, or another
21 housing accommodation suitable to his or her medical condition,
22 including, but not limited to, his or her family's home, as specified
23 by the board.

24 (4) The parole term of a medical parolee shall be for the
25 remainder of his or her sentence as reduced by any adjustment for

1 good conduct pursuant to the Nebraska Treatment and Corrections Act.

2 Sec. 32. Section 83-4,143, Revised Statutes Cumulative
3 Supplement, 2010, is amended to read:

4 83-4,143 (1) It is the intent of the Legislature that the
5 court target the felony offender (a) who is eligible and by virtue of
6 his or her criminogenic needs is suitable to be sentenced to
7 intensive supervision probation with placement at the incarceration
8 work camp, (b) for whom the court finds that other conditions of a
9 sentence of intensive supervision probation, in and of themselves,
10 are not suitable, and (c) who, without the existence of an
11 incarceration work camp, would, in all likelihood, be sentenced to
12 prison.

13 (2) When the court is of the opinion that imprisonment is
14 appropriate, but that a brief and intensive period of regimented,
15 structured, and disciplined programming within a secure facility may
16 better serve the interests of society, the court may place an
17 offender in an incarceration work camp for a period not to exceed one
18 hundred eighty days as a condition of a sentence of intensive
19 supervision probation. The court may consider such placement if the
20 offender (a) is a male or female offender convicted of a felony
21 offense in a district court, (b) is medically and mentally fit to
22 participate, with allowances given for reasonable accommodation as
23 determined by medical and mental health professionals, and (c) has
24 not previously been incarcerated for a violent felony crime.
25 Offenders convicted of a crime under section 28-303 or sections

1 28-319 to 28-322.04 ~~or of any capital crime~~ are not eligible to be
2 placed in an incarceration work camp.

3 (3) It is also the intent of the Legislature that the
4 Board of Parole may recommend placement of felony offenders at the
5 incarceration work camp. The offenders recommended by the board shall
6 be offenders currently housed at other Department of Correctional
7 Services adult correctional facilities and shall complete the
8 incarceration work camp programming prior to release on parole.

9 (4) When the Board of Parole is of the opinion that a
10 felony offender currently incarcerated in a Department of
11 Correctional Services adult correctional facility may benefit from a
12 brief and intensive period of regimented, structured, and disciplined
13 programming immediately prior to release on parole, the board may
14 direct placement of such an offender in an incarceration work camp
15 for a period not to exceed one hundred eighty days as a condition of
16 release on parole. The board may consider such placement if the
17 felony offender (a) is medically and mentally fit to participate,
18 with allowances given for reasonable accommodation as determined by
19 medical and mental health professionals, and (b) has not previously
20 been incarcerated for a violent felony crime. Offenders convicted of
21 a crime under section 28-303 or sections 28-319 to 28-322.04 ~~or of~~
22 ~~any capital crime~~ are not eligible to be placed in an incarceration
23 work camp.

24 (5) The Director of Correctional Services may assign a
25 felony offender to an incarceration work camp if he or she believes

1 it is in the best interests of the felony offender and of society,
2 except that offenders convicted of a crime under section 28-303 or
3 sections 28-319 to ~~28-321 or of any capital crime 28-322.04~~ are not
4 eligible to be assigned to an incarceration work camp pursuant to
5 this subsection.

6 Sec. 33. Original sections 23-3406, 24-1106, 25-1140.09,
7 28-104, 28-105, 28-303, 29-1602, 29-1603, 29-1822, 29-2004, 29-2005,
8 29-2006, 29-2020, 29-2027, 29-2204, 29-2261, 29-2282, 29-2407,
9 29-2801, 29-3205, 29-3920, 29-3928, 29-3929, 29-3930, 55-480, and
10 83-1,110.02, Reissue Revised Statutes of Nebraska, and sections
11 29-3922 and 83-4,143, Revised Statutes Cumulative Supplement, 2010,
12 are repealed.

13 Sec. 34. The following sections are outright repealed:
14 Sections 24-1105, 28-105.01, 29-2519, 29-2520, 29-2521, 29-2521.01,
15 29-2521.02, 29-2521.03, 29-2521.04, 29-2521.05, 29-2522, 29-2523,
16 29-2524, 29-2524.01, 29-2524.02, 29-2525, 29-2527, 29-2528, 29-2811,
17 83-1,105.01, and 83-1,132, Reissue Revised Statutes of Nebraska, and
18 sections 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542,
19 29-2543, 29-2546, 83-964, 83-965, 83-966, 83-967, 83-968, 83-969,
20 83-970, 83-971, and 83-972, Revised Statutes Cumulative Supplement,
21 2010.