

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 542**

Introduced by Chambers, 11.

Read first time January 23, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to criminal procedure; to amend section 29-2523,  
2 Reissue Revised Statutes of Nebraska; to eliminate an  
3 aggravating circumstance; and to repeal the original  
4 section.  
5 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 29-2523, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   29-2523 The aggravating and mitigating circumstances  
4 referred to in sections 29-2519 to 29-2524 shall be as follows:

5                   (1) Aggravating Circumstances:

6                   (a) The offender was previously convicted of another  
7 murder or a crime involving the use or threat of violence to the  
8 person, or has a substantial prior history of serious assaultive or  
9 terrorizing criminal activity;

10                  (b) The murder was committed in an effort to conceal the  
11 commission of a crime, or to conceal the identity of the perpetrator  
12 of such crime;

13                  (c) The murder was committed for hire, or for pecuniary  
14 gain, or the defendant hired another to commit the murder for the  
15 defendant;

16                  ~~(d) The murder was especially heinous, atrocious, cruel,  
17 or manifested exceptional depravity by ordinary standards of morality  
18 and intelligence;~~

19                  ~~(e)~~—(d) At the time the murder was committed, the  
20 offender also committed another murder;

21                  ~~(f)~~—(e) The offender knowingly created a great risk of  
22 death to at least several persons;

23                  ~~(g)~~—(f) The victim was a public servant having lawful  
24 custody of the offender or another in the lawful performance of his  
25 or her official duties and the offender knew or should have known

1 that the victim was a public servant performing his or her official  
2 duties;

3 ~~(h)~~(g) The murder was committed knowingly to disrupt or  
4 hinder the lawful exercise of any governmental function or the  
5 enforcement of the laws; or

6 ~~(i)~~(h) The victim was a law enforcement officer engaged  
7 in the lawful performance of his or her official duties as a law  
8 enforcement officer and the offender knew or reasonably should have  
9 known that the victim was a law enforcement officer.

10 (2) Mitigating Circumstances:

11 (a) The offender has no significant history of prior  
12 criminal activity;

13 (b) The offender acted under unusual pressures or  
14 influences or under the domination of another person;

15 (c) The crime was committed while the offender was under  
16 the influence of extreme mental or emotional disturbance;

17 (d) The age of the defendant at the time of the crime;

18 (e) The offender was an accomplice in the crime committed  
19 by another person and his or her participation was relatively minor;

20 (f) The victim was a participant in the defendant's  
21 conduct or consented to the act; or

22 (g) At the time of the crime, the capacity of the  
23 defendant to appreciate the wrongfulness of his or her conduct or to  
24 conform his or her conduct to the requirements of law was impaired as  
25 a result of mental illness, mental defect, or intoxication.

1                   Sec. 2. Original section 29-2523, Reissue Revised  
2 Statutes of Nebraska, is repealed.