

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 238**

Introduced by Pansing Brooks, 28.

Read first time January 14, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to executions; to amend sections 83-969 and
- 2 83-970, Revised Statutes Cumulative Supplement, 2018; to require two
- 3 members of the Legislature to be present for executions as
- 4 prescribed; to change provisions relating to witnessing executions;
- 5 to harmonize provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-969, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3 83-969 When any convicted person is sentenced to death, such  
4 punishment shall be inflicted at a Department of Correctional Services  
5 facility under the supervision of the Director of Correctional Services  
6 and in such a manner as to exclude the view of all persons except those  
7 permitted or required to be present as provided in sections 83-970 and  
8 83-971.

9 Sec. 2. Section 83-970, Revised Statutes Cumulative Supplement,  
10 2018, is amended to read:

11 83-970 (1) Two members of the Legislature chosen by the Executive  
12 Board of the Legislative Council shall be present to view the execution  
13 process.

14 (2) Besides the Director of Correctional Services, and those persons  
15 required to be present under the execution protocol, and the two members  
16 of the Legislature required to be present under subsection (1) of this  
17 section, the following persons, and no others, except as provided in  
18 section 83-971, may be present at the execution: (a) (1) The member of  
19 the clergy in attendance upon the convicted person; (b) (2) no more than  
20 three persons selected by the convicted person; (c) (3) no more than  
21 three persons representing the victim or victims of the crime; and (d)  
22 (4) such other persons, not exceeding six in number, as the director may  
23 designate. At least two persons designated by the director shall be  
24 professional members of the Nebraska news media.

25 (3) Except as provided in subsection (4) of this section, the  
26 Director of Correctional Services and those persons required to be  
27 present under this section or under the execution protocol:

28 (a) Shall continuously witness the execution process from the moment  
29 the convicted person enters the execution chamber until the convicted  
30 person is declared dead or the execution is halted; and

31 (b) Shall not authorize or permit any person to obstruct, limit,

1 shield, or otherwise impede the witnessing or viewing of an execution by  
2 any person permitted or required to be present at such execution.

3 (4) The person or persons administering or conducting the execution  
4 under the execution protocol may, upon request, wear a mask or otherwise  
5 conceal their personal identity from the witnesses.

6 Sec. 3. Original sections 83-969 and 83-970, Revised Statutes  
7 Cumulative Supplement, 2018, are repealed.