

NEBRASKA

STATISTICAL INFORMATION

Current Governor: Mike Johanns
Term of Office: Jan. 2003 - Jan. 2007

Legislative Term: Jan. - Apr.

Total Inmate Pop.
(As of 4/18/05): 4,121 **White: 59.6%** **Black: 24.3%** **Latino/a: 10.7%** **Other: 5.4%**

Death Row Pop.
(As of 4/1/05): 9 **White: 5** **Black: 1** **Latino/a: 3** **Other: 0**

EXECUTIONS:
Since 1976: 3 **White: 1** **Black: 2** **Latino/a: 0** **Other: 0**
(As of 6/28/05)

Carried out in 2003: 0

Carried out in 2004: 0

Carried out in 2005: 0 Scheduled for 200
(As of 6/28/05)

INMATES REMOVED FROM DEATH ROW BETWEEN 1973 AND 2005
(does not include those executed by the state or those who died of natural causes):

Total Number: 10

Sentence/Conviction
overturned (minus
exoneration): 8

Sentence reduced: 2

Exoneration: 0

Other: 0

RELATED STATUTORY PROVISIONS:

Life without Parole: yes

Prohibits the execution of juvenile offenders: yes

Prohibits the execution of mentally retarded offenders: yes

Prohibits the execution of mentally ill offenders: no

CURRENT STATUS OF THE MORATORIUM:

Moratorium: no

Study: yes

Status: On July 31, 2001, the NE Commission on Law Enforcement and Criminal Justice pre-released a report in which the principle focus was to examine, through statistical analysis, potential disparities in decision-making in 177 death-eligible homicides processed between 1973 and 1999. The study did not find significant evidence of racial disparities in the sentencing process, but did find significant disparities in the treatment of defendants based on the socio-economic status of the victim. The report notes that, compared to other states, Nebraska's capital punishment system is reasonably consistent in limiting death sentences to the most culpable offenders.

HISTORY OF LEGISLATION ADDRESSING ABA ISSUES

Moratorium/Study: **Current: 2005:** One bill failed which would change a penalty from death to life imprisonment without the possibility of parole as prescribed; to provide for restitution; to harmonize provisions; to eliminate capital punishment provisions; to repeal the original sections (LB760).

Previous Years: 2003: One bill would abolish the death penalty and replace it with imprisonment without the possibility of parole (LB791). **2001-02 :** One bill introduced would have abolished the death penalty (LB18). **1999 :** One bill, providing for a moratorium on executions and funding for a study of the state's death penalty processes, was passed by the legislature and vetoed by the governor. The legislature then voted to override the portion of the bill relating to the study by a vote of 43-0; **1997 :** One bill died that would have abolished the death penalty and created life imprisonment with the possibility of parole.

Capital Offenses and Procedures:

Current: None.

Previous Years: None.

Aggravating and Mitigating Circumstances:

Current: None.

Previous Years: None.

DNA Testing and Preservation of Material Evidence:

Current: None

Previous Years: 2004 : One bill, which was indefinitely postponed, provided provisions relating to motions for a new trial based on post-conviction DNA testing and the DNA testing Act (LB1085).

Crime Labs and Medical Examiner Offices:

Current: None.

Previous Years: None.

Counsel Qualifications, Training, and Competency:

Current: None.

Previous Years: None.

Counsel Compensation:

Current: None.

Previous Years: None.

Judges and Juries:

Current: None.

Previous Years: None.

Racial and Ethnic Minorities:

Current: None.

Previous Years: 2003: One bill introduced would prohibit a death sentence based on race (LB781). **1999 :** One bill introduced would have eliminated the death penalty upon finding that a sentence of death was sought or imposed, wholly or in part, on the basis of race.

Juvenile Offenders: Current: None.

Previous Years: None.

Mental Retardation

and Mental Illness: Current: Inapplicable.

Previous Years: 1998 : One bill passed to prohibit the execution of the mentally retarded.

Special Notes:

Current: 2005: One bill failed that would change the mode of inflicting the death penalty from electrocution to lethal injection (LB506).

Previous Years: 2004: Bill introduced that creates a study to address issues relating to indigent defense in the state (LR368).

**STATE AND LOCAL GOVERNMENTS AND LEGAL ORGANIZATIONS
THAT HAVE PASSED MORATORIUM RESOLUTIONS**

City Council of
Lincoln
Nebraska Legislature

****Last Updated on June 28, 2005**