

ONE HUNDRED SEVENTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 97

Introduced by Hansen, M., 26.

PURPOSE: The purpose of this interim study is to determine whether further revision to Nebraska grand jury laws is necessary to ensure that such proceedings are transparent and open to public inspection. The Legislature passed Laws 2020, LB881, which included a provision that amended the law relating to grand jury proceedings. The Legislature intended to provide for public access to the transcript of a grand jury convened to investigate the death of a person in custody or detention. Specifically, Laws 2020, LB881 amended section 29-1407.01 to provide that if no true bill was issued by the grand jury, then the transcript and exhibits of the grand jury are to be available upon written request from the clerk of the district court. If a true bill is returned by the grand jury, Laws 2020, LB881 provided for a process by which the transcript and exhibits are generally publicly available unless a trial court limits or prohibits access due to a related criminal proceeding. Despite the changes made by Laws 2020, LB881, the exact process by which a member of the public or press accesses grand jury transcripts is not clearly delineated. Additionally, the clerks of the courts differ in their interpretations of the law.

The study shall include, but not be limited to:

- (1) An examination of whether further legislation is necessary to ensure that grand jury proceedings are transparent and open to public inspection;
- (2) An examination of whether there is a clear and uniform practice among the courts to make sure such proceedings are available to the public or press;
- (3) An examination of any additional issues or components of the Nebraska grand jury laws and consideration of additional reforms or amendments; and
- (4) Input from the public and impacted individuals regarding the subject

matter of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.