

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 411

Introduced by Council, 11.

Committee: Judiciary

WHEREAS, the crime of arson takes hundreds of lives and causes billions of dollars in property damage every year; and

WHEREAS, the fire investigation community generally accepts that the only appropriate means for identifying arson is to use the scientific method; and

WHEREAS, National Fire Protection Association (NFPA) 921, Guide for Fire and Explosion Investigations, provides fire investigators with guidance on how to properly apply the scientific method to fire investigations; and

WHEREAS, since the turn of the century, NFPA 921 has been generally accepted as the standard of care for fire investigations; and

WHEREAS, many of the previously accepted methods for identifying incendiary fires have been proven to be unreliable and have resulted in fires being improperly classified as incendiary when they were, in fact, accidental; and

WHEREAS, it is not clear if or when NFPA 921 has been adopted by law enforcement and other relevant investigative agencies in Nebraska as the proper method of investigating fires; and

WHEREAS, there are currently approximately twenty-six individuals in Nebraska's prisons serving time for arson; and

WHEREAS, some of those convicted of arson in Nebraska may have never abandoned their claim of innocence and may, in fact, be innocent.

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

1. That the State of Nebraska has an obligation to review arson convictions obtained using evidence that is now known to be unreliable.

2. That the Legislature urges government attorneys, private attorneys, and fire investigators to review questionable arson convictions, supports judicial review of any cases in which the attorneys submit that a conviction is questionable due to faulty science having been used, and urges the judicial branch, law enforcement agencies, and other relevant government entities in Nebraska to employ NFPA 921 when conducting fire investigations.