



Hundredth Legislature - First Session - 2007  
**Introducer's Statement of Intent**  
**LB 215**

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**Chairperson:** Brad Ashford  
**Committee:** Judiciary  
**Date of Hearing:** January 31, 2007

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Legislative Bill 215 proposes to strike and readopt language clarifying that the current alternative to the death penalty in Nebraska is life imprisonment without parole.

In 2002, the Nebraska legislature held a special session to address Nebraska's capital sentencing scheme in light of the US Supreme Court decision in *Ring v. Arizona*. During that special session, language was adopted to clarify that the current penalty for Class I and Class IB felonies when the death penalty is not utilized is life imprisonment without parole. In 2004, the Nebraska Supreme Court, in the case of *State v. Conover*, struck down the "without parole" language added by the legislature during the special session, claiming that it was outside the scope of the Governor's call, which related only to the *Ring v. Arizona* decision, and was therefore void. LB 215 strikes the phrase "without parole" everywhere it was inserted during the 2002 special session and readopts the same language during the regular session where the legislature's plenary authority will allow it to do so.

**Principal Introducer:** \_\_\_\_\_  
**Senator Brad Ashford**