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LB 422

Matzke a question.

SPEAKER WITHEM: Senator Matzke, will you respond?

SENATOR MATZKE: You've got me studying law here, so I don't know whether I have time or not.

SENATOR CHAMBERS: Then...then...okay, then I'll go ahead and speak to give you time because I want you to have a chance to look at it, so I won't ask you anything right now. Mr. Speaker, is this my...which, how many more times do I have.

SPEAKER WITHEM: This will be your third time to speak on this amendment, I believe.

SENATOR CHAMBERS: Okay, well, I am going to speak anyway, and I won't ask Senator Matzke the questions that I had in mind. Again, we're looking at the most serious thing that the state can do. The language that I'm talking about putting into this bill would apply to every aggravating circumstance that exists in the law. Senator Matzke's bill is creating an additional one. I say, again, regardless of whether we choose to just not put into the law what the courts have indicated the courts are going to do, regardless of whether we take note of that, the court is going to do its job in the proper way anyway. The court is going to require a proof beyond a reasonable doubt of the facts that underlie the applicability of this aggravating circumstance. So, what are the factors that you...you can prove first-degree murder. Let's say that it's a law enforcement officer, and the murder occurred under those circumstances, premeditation, malice, and everything else; everything you can imagine was involved, so you have a first-degree murder conviction. Now what we're looking at is a determination of whether this particular aggravating circumstance should apply, and what would we look at that you have to prove? You have to prove beyond a reasonable doubt, and Senator Matzke won't disagree, I don't think, you have to prove beyond a reasonable doubt, and these things didn't have to be proved to establish first-degree murder, only that you killed a human being under certain circumstances, but for this particular aggravating circumstance to be applied, you'd have to prove that the victim was a law enforcement officer. You have to prove that fact