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that reason, I would oppose this amendment.

SPEAKER WITHEM: Thank you. Senator Schimek.

SENATOR SCHIMEK: Yes, thank you, Mr. President, members of the body. Senator Matzke, your last statement was the answer I was seeking when I turned on my light. You are opposed to this amendment. I would like to ask you just a question or two. I listened carefully...

SENATOR MATZKE: Certainly.

SENATOR SCHIMEK: ...to what you said. And running through my mind was the question is, how do you know that nobody has ever been put to death who had a very low mental capability, or an IQ below 70? How do we know that?

SENATOR MATZKE: Well, I don't have any statistics, but I've talked to several, and you can talk to Senator Chambers, neither of us know of any instance where that has occurred.

SENATOR SCHIMEK: Well, I just...I mean I don't know how complete a records that people have kept in the past. And that's why I was wondering how we would have information like that? And I'm not saying that there have been.

SENATOR MATZKE: I don't have any records or anything like that, it's just that based upon our knowledge and having read the cases and that sort of thing, you know, if this would have been a mitigating circumstance, then it would have appeared in the record, obviously, defense attorneys would have argued that. I think they argued it in the Simants case, and Simants was not executed, even though he killed five, or six, or seven people.

SENATOR SCHIMEK: Thank you for reminding me of that. Members of the body, I...I am having trouble understanding why we shouldn't support this. As we all know, people who have difficulty in putting their thoughts together and have an intelligence quotient of 70 or below can be, I think, easily influenced and led in circumstances. I'm not saying it should be a preclusion, Senator Matzke, but I would certainly think it should be a mitigating circumstance. And I'm not an attorney,