

April 26, 1979

LB 262

to try to persuade with argument and the marshalling of facts and statistics, persuade your minds that the best thing for us to do in this state would be to replace the death penalty with a thirty year prison sentence. I've only given you two handouts that dealt directly on the possibility of raising this bill thus far. One, related to the contents of my statement of intent. The other was a collection of articles which demonstrate that some very atrocious murders have been committed in the state, but that the death penalty was not imposed, either because the prosecutor would not charge with a capital offense, or after the charge was made a plea bargain resulted in a reduction of that offense in exchange for a plea of guilty. In some cases where a very serious homicide charge was brought, the jury convicted of a lesser offense. There are judges in some cases where a conviction of first degree murder occurs will not impose the death penalty. An irony that exists in this state now relative to this situation is the fact that not one person from what has been called outstate Nebraska sits on death row. There are senators who feel that their constituents want the death penalty, yet there is no person on death row west of Lincoln, not one. So, it is clear that there is a reluctance to impose this penalty across the board. There is reluctance to bring a charge that would result in this terrible penalty being carried out. The former Director of Corrections was reluctant about the day coming when he would have to preside over an execution. So in order that the various important issues connected with this matter can be discussed, LB 262 would have to be brought from committee, and today that is all that I hope will be done. It is a draining, difficult thing for me to discuss, the details of the penalty and the reasons why it should be abolished, so I'm trying to spare myself that today and limit my remarks to the raising of the bill from committee, and I hope that we will have twenty-five votes to do it, and as Senator DeCamp indicated, I do not have a lot that I will say today, and I hope others may keep their remarks brief and to the point also. I ask that you support Senator DeCamp's motion.

SPEAKER MARVEL: Senator Simon.

SENATOR SIMON: Mr. President and members of the body, I rise to support the DeCamp motion. As Senator Chambers has mentioned, we certainly have on at least a couple of instances this past session raised bills of equal importance, although I don't think any is more important than the taking of a human life from committee, the issue of laetrile, 382, LB 221 which we debated yesterday, Senator Kelly's bill on the drinking age. Both of those bills were