

May 9, 1979

LB 262

CLERK: Mr. President, LB 262. Title read. The bill was read on January 15 of this year. It was referred to the Judiciary Committee for public hearing. On a motion made by Senator DeCamp, the bill was pulled from committee on April 26 of this year, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I have brought a bill of this nature before the body on a number of occasions. In the past I have tried to nurse that bill and keep it alive on the floor of the Legislature and always it failed. This time I and a number of others have done a great amount of work on this bill off the floor of the Legislature and as a result only an hour of legislative time is going to be taken as far as debating the bill on its merits. I would rather, instead of calling the bill abolition of the death penalty, describe it as one which replaces the ineffective and not applied death penalty with a thirty year minimum sentence, a mandatory sentence in cases of first degree murder, and for those who wonder how this will be achieved, good time laws operate in Nebraska to diminish the amount of time a person must serve in prison. This bill states by its terms that all of those acts will be nullified as far as a person convicted of first degree murder is concerned until after a minimum of thirty years have been served in prison. So instead of sentencing a person to an unlikely to be imposed death penalty, this assures a thirty year sentence. The Judiciary Committee, though it could not find its way to advance this bill, never offered a motion to kill it. So in the spirit that Abraham Lincoln tried to manifest when he started his speech with "Malice toward none and charity for all", I am going to try to use a different approach this session. There will not be the acrimonious debate that I have had to engage in in the past. Nobody will be referred to as a hanger or a flogger. The issue will be discussed and I hope that some minds will be changed, some consciences touched and the Legislature persuaded to advance this bill. I want to give you just a brief overview of why this bill should pass. As long as the death penalty is on the books, even though it is not imposed, its very existence is an impediment to dealing with other more serious issues involved in the criminal justice system which is creaking along in this country in a very ineffective fashion. If I did not have to year after year, session after session, give my time to dealing with the death penalty, instead of merely attacking Senator Schmit's prison reform bills in showing what I feel to be unconstitutional provisions, I could give