

May 15, 1979

LB 262

ask you to vote against the abolishment of this particular bill, abolishment of the death penalty and I feel that if we don't, why it will be a sad dark day in Nebraska.

SPEAKER MARVEL: Senator Fitzgerald.

SENATOR FITZGERALD: Mr. Speaker and members, would Senator Chambers yield to a question?

SENATOR CHAMBERS: Yes, I will.

SENATOR FITZGERALD: Senator Chambers, we have a few people in the death row have been convicted of murder and they are supposed to get the death chair. What is their status as of if this bill passes?

SENATOR CHAMBERS: First of all, Senator Fitzgerald, they have not exhausted all the avenues of appeal that they have so the State Supreme Court could reduce their sentence from death to life. It could reverse it or vacate the penalty as it did in the Simants case. They could go into the federal system of appeals and have reversals, vacations or whatever but to answer specifically, their cases have not been finally disposed of yet as far as the legal avenues open to them. If this bill passed as any bill in any state which abolishes the death penalty, the court would then pronounce a new sentence pursuant to this bill. It probably would sentence them to life. If the Pardon Board decided to commute their sentence to a term of years, it could not be commuted to less than thirty years. Remember the thirty years in this bill is a minimum. So if the Pardon Board commuted their sentence to a term of years, it is not likely it would be less than thirty and the Parole Board has absolutely no power whatsoever under this bill to let somebody out in less than thirty years.

SENATOR FITZGERALD: That was the other question I was going to ask you. It was brought up that they would serve eighteen years and could you emphasize the point a little to the effect that why they would have to serve thirty years in your bill? The way I interpret your bill it would be thirty years.

SENATOR CHAMBERS: Currently people can obtain good time no matter what the charge is or what they are sentenced for. The Parole Board can determine when according to the law, based on subtractions caused by good time, they