

March 4, 1980

LB 82

I think it is an excellent provision. I would be willing to respond to any other criticisms Senator Chambers has of this particular provision and I would urge this Legislature to support it. Thank you, Mr. President.

PRESIDENT: The Chair recognizes Senator Kelly.

SENATOR KELLY: Mr. President, members of the Legislature, I rise to support LB 82. In our community a few years ago we had a little judge problem out there and it was in the realm of hard to prove disciplinary action that even at times would be subjective and the Qualifications Commission toyed around with this problem for three years before they finally could put enough pressure to bear to have the question go away and have it solved. Just a little simple insertion of "conduct prejudicial to the administration of justice," just that little inclusion, would have saved at least two years of problems in our community and we certainly want to see it in the instructions to the Qualification Commission. I wholeheartedly support LB 82.

PRESIDENT: Senator Chambers, you may continue.

SENATOR CHAMBERS: Mr. Chairman, what I am going to do is offer an amendment and I want the sense of the amendment to be clear in the record because I haven't drafted it yet but the amendment that I am asking the body to accept would relate to the situation that I spoke of earlier. If a judge pleads guilty or no contest to a felony, the judge knows the law, the judge knows the nature of the charge being brought, the judge knows the significance of a plea of guilty or no contest to a felony. Now if you are going to allow a judge to plead guilty to a felony and merely be suspended, I think that is a thing which degrades the significance of the judiciary. It does erode public confidence and respect. The crime could be one involving moral turpitude. Suppose a judge pleads guilty to debauching young boys? Then he is not immediately removed from the bench. He is suspended, for what purpose I don't know. The lawyers mentioned collateral attack. That means for the lay people, it will be an oversimplification, some type of technicality which will not relate to the merits of the issue. It won't relate to whether the judge committed the crime that he plead guilty to and I think if a judge pleads guilty to a felony, that judge should immediately be removed from the bench and I am wondering if Senator Kelly, who says he supports this bill, and Senator Hoagland who says he supports it, would consider the significance of this amendment. I don't think that a