

January 15, 1982

LB 402

serious than others and where the penalties should be so that when an individual is charged with a crime or when the public sees that a crime is charged they know that a rape conviction is seven years or eight years or four years, that a robbery conviction if a gun is used is six years or four years, and they understand the nature of the sentence that should be given, and then they will also know when a trial court is deviating from those standards. We need a systematic approach. That systematic approach is not in LB 402. Its time has not yet come. I would suggest that the bill be put aside, laid over, or at least (Machine malfunctioned) the body will choose to take the action of delaying implementation of 402.

SPEAKER MARVEL: The motion before the House is the adoption of or the advancement of LB 402. Sorry. Go ahead, I am sorry.

SENATOR NICHOL: Yes, Mr. Speaker, just to mention a few of the things that have been brought up. It is easy to sit back and wait for over a hundred years, then when something is brought up that ought to be done, say, well we should do this a different way. Where has the Bar Association or attorneys been for over a hundred years if this should have been done a long time ago? I suggest we put this into business, into the law now so that it will force us to bring about something of the nature that Senator Landis has brought to our attention. The defendant has always been able to appeal. This takes care of the black or the downtrodden or the poor or those who can't defend themselves so that it is brought to the attention of somebody higher if the sentence is too strong, too heavy-handed. Then what about the judge who goes the other way and dismisses or puts a very light sentence or punishment to those who should be punished more. You ask your constituents, I don't care where you live, if they think judges are too lenient or too heavy-handed. I will make you a bet that it is by far on the side of that they are too lenient. I say put this bill into effect so that our attorneys, our Judiciary Committee will get something that will tell the judges what to do. Now the reason I don't think you will ever get a bill like Senator Landis has suggested is that we hire judges to do this. We say to our judges we are giving you latitude and you work and operate within those parameters as to how you think the sentence or judgment should be handled but we don't spell it out as Senator Landis does. Frankly, I don't think it can be spelled out so that we will have it equitably across the state. We have the safeguard in this bill that if a