

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 16, 2015

[LB268 LB483 LB547 LB575 LB605 LR171 LR172 LR173 LR175 LR176 LR177]

SENATOR WATERMEIER PRESIDING

SENATOR WATERMEIER: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE SIXTY-FIFTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS CHAPLAIN VICTOR DIAZ FROM LEXINGTON, SENATOR WILLIAMS' DISTRICT. PLEASE RISE.

PASTOR DIAZ: (PRAYER OFFERED.)

SENATOR WATERMEIER: THANK YOU. I CALL TO ORDER THE SIXTY-FIFTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, RECORD.

CLERK: I HAVE A QUORUM PRESENT, MR. PRESIDENT.

SENATOR WATERMEIER: THANK YOU. ARE THERE ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS OR CORRECTIONS?

CLERK: MR. PRESIDENT, NO CORRECTIONS. I DO HAVE THE LOBBY REPORT AS REQUIRED BY STATE LAW TO BE INSERTED IN THE JOURNAL, ALSO ACKNOWLEDGMENT OF A RECEIPT OF CERTAIN AGENCY REPORTS AVAILABLE TO MEMBERS ON THE LEGISLATIVE WEB SITE. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGE 1199.)

SENATOR WATERMEIER: THANK YOU, MR. CLERK. WE WILL PROCEED TO THE FIRST ITEM ON THE AGENDA.

CLERK: MR. PRESIDENT, LB268 IS A BILL BY SENATOR CHAMBERS. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 14, REFERRED TO THE JUDICIARY COMMITTEE. I DO HAVE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM754, LEGISLATIVE JOURNAL PAGE 876.) [LB268]

SENATOR WATERMEIER: THANK YOU, MR. CLERK. SENATOR CHAMBERS, YOU ARE RECOGNIZED TO OPEN ON LB268. [LB268]

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SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'VE ATTEMPTED ON NUMEROUS OCCASIONS TO PERSUADE THE LEGISLATURE TO ABOLISH THE DEATH PENALTY. IT ALWAYS IS A VERY SOMBER AFFAIR FOR ME. I VIEW IT SOMETHING LIKE A TRIAL, AS I LOOK AS IT, WITH THE DEATH PENALTY BEING THE ITEM IN THE DOCK TO BE GOTTEN RID OF. I WAS SURPRISED AT THE NUMBER OF PEOPLE WHO SIGNED ON THE BILL. I WAS PLEASANTLY SURPRISED AT THE PRESS CONFERENCE THAT WAS CONDUCTED IN THE ROTUNDA YESTERDAY BY PEOPLE WHO LABEL THEMSELVES, AND I GUESS OTHER PEOPLE DO, TOO, AS CONSERVATIVES. SO IT'S CLEAR THAT UNLIKE SO MANY TIMES IN THE PAST, I'M NOT GOING TO HAVE TO CARRY THE WHOLE BURDEN MYSELF, WHICH FREES ME TO TAKE A DIFFERENT APPROACH. THERE WAS VERY COMPELLING TESTIMONY DURING THE HEARING, AND I WISH EVERY SENATOR COULD HAVE BEEN THERE OR COULD HAVE HEARD IT. THAT WAS NOT FEASIBLE BECAUSE SENATORS HAD OTHER PLACES TO BE, OTHER THINGS TO DO. SO I'M GOING TO READ SOME OF THAT TESTIMONY INTO THE RECORD. THERE WAS ONLY ONE OPPONENT AND THAT WAS DON KLEINE, THE DOUGLAS COUNTY COUNTY ATTORNEY REPRESENTING THE COUNTY ATTORNEYS ASSOCIATION. THE MOST CRITICAL TESTIMONY HE MADE...FIRST OF ALL, HE SAID HE AGREED WITH MUCH OF WHAT HAD BEEN SAID. HE ACKNOWLEDGED THAT NEBRASKA, IN EFFECT, HAS NO DEATH PENALTY NOW. AND HE LAMENTED THE FACT THAT THE STATE CANNOT GET ITS ACT TOGETHER, THAT THE PENALTY IS ON THE BOOKS BUT THE STATE CANNOT FIGURE HOW TO CARRY IT OUT. BUT I WILL READ FROM THAT. JUDGE REAGAN, WHO NOW IS RETIRED, WAS ON THE DISTRICT BENCH IN SARPY COUNTY. HIS TESTIMONY IS PARTICULARLY SIGNIFICANT FROM MY POINT OF VIEW AND OTHERS WHO HEARD HIM. HE EMPHASIZED THE UNIQUE PERSPECTIVE THAT HE HAD AS A JUDGE. NOT ONLY WAS HE INVOLVED WITH PANELS THAT IMPOSED THE DEATH PENALTY, BUT HE OPPOSES IT. HE OPPOSES IT. HE SAID WHILE ON THE BENCH HE COULD NOT EXPRESS THAT, BUT HE MENTIONS THAT THERE ARE OTHER JUDGES HE HAS TALKED TO, AND TO A PERSON, THEY WISH THE LEGISLATURE WOULD ABOLISH THE DEATH PENALTY. THE JUDGES DON'T LIKE IT. THEY DON'T LIKE THE TIME THAT IT TAKES. THEY SEE THE ARBITRARINESS OF THE WAY IT IS IMPOSED AND CARRIED OUT, THE TIME THAT IS TAKEN BY THE JUDGES. HE POINTS OUT THAT THERE'S NO DETERRENT EFFECT, BUT I DON'T WANT TO PREEMPT WHAT HIS TESTIMONY CONCERNS. I PUT ON EACH OF YOUR DESKS, AN 18-PAGE HANDOUT. I AM NOT SO NAIVE THAT I THINK YOU WILL READ ALL OF THAT MATERIAL. YOU HAVE OTHER THINGS TO DO, BUT IF YOU JUST GO THROUGH IT AND LOOK AT SOME OF THE HEADLINES AND SEE THE SUBJECT MATTER, IT IS JUST, I WANT TO ADD, A SMALL, VERY SMALL AMOUNT OF THE INFORMATION THAT I'VE ACCUMULATED, NOT JUST DOWN THROUGH THE YEARS BUT IN THE PAST TWO YEARS: THE

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BOTCHED EXECUTIONS, THE PEOPLE WHO HAVE BEEN TAKEN OFF DEATH ROW WHO WERE ACTUALLY INNOCENT, THINGS OF THAT KIND. SO THIS WILL, ON MY PART, NOT BE ONE OF THOSE ORDINARY DISCUSSIONS I WOULD ENGAGE IN ON AN ISSUE THAT MEANS AS MUCH TO ME AS THIS ONE. PEOPLE BASICALLY MAY HAVE THEIR MIND MADE UP. THERE MAY BE SOME WHO ARE WAVERING. BUT AT ANY RATE, I DON'T KNOW WHAT TO SAY THAT WOULD SWAY SOMEBODY AT THIS LATE DATE AWAY FROM SUPPORTING THE DEATH PENALTY. BUT THERE ARE THINGS THAT I WANT TO GET INTO THE RECORD. AND THE ONLY WAY SOME OF THIS TESTIMONY CAN REALLY BE A PART OF A RECORD THAT MAY BE VIEWED BY PEOPLE IS FOR IT TO BE PLACED IN THE RECORD DURING THIS FLOOR DEBATE ON THIS BILL. OBVIOUSLY, I WANT TO GET AS MANY VOTES AS I CAN TO ABOLISH THIS PENALTY. AS HAS BEEN STATED FREQUENTLY, THE UNITED STATES IS THE ONLY WESTERN COUNTRY, THE ONLY DEMOCRACY, WESTERN, WHICH RETAINS THE DEATH PENALTY. THE TRAGEDY, I THINK, DOES NOT NECESSARILY INHERE IN THE TYPES OF COUNTRIES AND GOVERNMENTS WITH WHICH THIS COUNTRY HAS ALIGNED ITSELF AS FAR AS THE INFLECTION OF THE DEATH PENALTY, BUT THE FACT THAT OVER 150 PEOPLE IN THE LAST FEW YEARS HAVE BEEN TAKEN OFF DEATH ROW BECAUSE THEY WERE INNOCENT. I KNOW THERE ARE PEOPLE WHO WANT TO BELIEVE THAT NO INNOCENT PERSON HAS EVER BEEN EXECUTED IN THIS COUNTRY. BUT WHEN YOU HAVE THIS MANY PEOPLE CONCLUSIVELY PROVED BY DNA EVIDENCE TO BE ACTUALLY INNOCENT, THERE IS NO ESCAPING THE CONCLUSION THAT INNOCENT PEOPLE INDEED HAVE BEEN EXECUTED. THERE ARE CASES WHERE PROSECUTORS WITHHELD EXCULPATORY INFORMATION. THEY KNEW THAT THERE WERE BOGUS PIECES OF EVIDENCE INTRODUCED. THEY KNEW THAT THERE WERE DEFENDANTS WHO WERE COERCED INTO ENTERING A GUILTY PLEA TO A CRIME THEY HAD NOT COMMITTED BY BEING TOLD THAT YOU CAN'T WIN IF IT GOES TO TRIAL, SO PLEAD GUILTY OR AT LEAST NO CONTEST AND AT LEAST HAVE A CHANCE OF SAVING YOUR LIFE. WELL, IF THAT PERSON HAPPENED TO BE BLACK OR A POOR WHITE PERSON THE DEATH PENALTY WOULD BE IMPOSED. WHEN THE DEFENDANT OR THE CONVICTED PERSON AT THIS POINT WOULD WANT TO RECANT THE CONFESSION, IN MOST CASES THAT WAS NOT ALLOWED. THE FACT THAT IT WAS STATED IS CONCLUSIVE. IT HAS BEEN DEMONSTRATED THAT THERE HAVE BEEN PROSECUTORS WHO UTILIZE THE DEATH PENALTY FOR THE PURPOSE OF ADVANCING A POLITICAL CAREER. AND AS A RESULT, CASES WERE NOT HANDLED PROPERLY. THERE IS A TEXAS DISTRICT ATTORNEY WHO ON HIS OWN IS CONDUCTING A REVIEW OF ALL PAST CONVICTIONS WHERE THERE MAY BE SOMETHING WRONG, ORDERING DNA TESTING, NEW BALLISTIC TESTS. AND IT'S THE ONLY CASE IN HISTORY THAT ANYBODY KNOWS OF. AND THE...ONE OF THE ARTICLES IS IN THERE WHERE A MAN WAS FOUND NOT GUILTY, ABSOLUTELY

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INNOCENT AS A RESULT OF TESTS INITIATED BY THE PROSECUTING ATTORNEY. THIS MAN HAD GIVEN UP ALL HOPE. HE HAD BEEN ON DEATH ROW FOR DECADES. NO, THIS ONE WASN'T ON DEATH ROW, HE WAS SERVING TIME FOR...WELL, ANYWAY, THE ARTICLE IS THERE AND YOU'LL SEE WHERE THIS DA IS CONDUCTING THESE TESTS, HAVING THEM TAKEN. THE MAN SAID HE THOUGHT HIS NAME WOULD NEVER BE CLEARED, SO HE DIDN'T EVEN ASK FOR THE TESTS. BUT IN GOING THROUGH THE EVIDENCE, THE DA DETERMINED THAT THIS MAN COULD NOT HAVE DONE THE CRIME. THE EVIDENCE THEY HAD DID NOT CONNECT HIM WITH THE CRIME. THEY HAD SOME BALLISTICS TESTS AND SOME MATERIAL THAT ALL THOSE YEARS AGO THEY SAID COULD BE TRACED TO A GUN FOUND IN HIS HOME. WHEN AFTER ALL THOSE YEARS THAT GUN WAS TESTED FOR THE FIRST TIME, THAT GUN WAS NOT THE ONE FROM WHICH THE SHOTS HAD BEEN FIRED. AND THIS MAN SAID, I SHOULD NOT HAVE HAD TO SIT ALL THOSE YEARS ON DEATH ROW AND ALL THEY WOULD HAVE HAD TO DO WAS TEST THE GUN. BUT THEY CHOSE NOT TO. THESE ARE THE THINGS THAT HAVE CAUSED A LOT OF PEOPLE, AND I MEAN IN LAW ENFORCEMENT, IN PROSECUTOR'S OFFICES, JUDGES... [LB268]

SENATOR WATERMEIER: ONE MINUTE. [LB268]

SENATOR CHAMBERS: ...WHO HAVE SUPPORTED THE DEATH PENALTY TO ALTER THEIR POSITION. THEY WANTED TO BELIEVE THAT THE TRIALS WERE FAIR, THAT ON SUCH AN IMPORTANT MATTER THERE WOULD NOT BE THE WITH HOLDING OF EVIDENCE, THE FRAMING OF PEOPLE, AND THE THINGS THAT HAVE BEEN SHOWN. IN THAT PACKET OF INFORMATION, YOU WILL SEE SOME OF THOSE EXAMPLES. AND I WILL END MY CLOSING AT THIS POINT BECAUSE MY TIME HAS RUN OUT. THANK YOU, MR. PRESIDENT. [LB268]

SENATOR WATERMEIER: THANK YOU, SENATOR CHAMBERS. (DOCTOR OF THE DAY INTRODUCED.) SENATOR SEILER, YOU ARE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS TO THE BILL. [LB268]

SENATOR SEILER: MR. PRESIDENT, MEMBERS OF THE UNICAMERAL, OUR COMMITTEE AMENDMENT, AM754 ADVANCED FROM THE JUDICIARY COMMITTEE BY A UNANIMOUS 8-0 VOTE. AT THE HEARING, WE HAD 14 PROPONENTS, 1 OPPONENT, AND NO NEUTRAL. AM754 WOULD ELIMINATE THE CLASS I FELONY CLASSIFICATION AND CORRESPONDING PENALTY. THIS WOULD CHANGE THE MAXIMUM PENALTY FOR FIRST-DEGREE MURDER FROM DEATH TO LIFE IMPRISONMENT. THE COMMITTEE AMENDMENT STRIKES SEVERAL PROVISIONS

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FROM THE GREEN COPY OF THE BILL, INCLUDING THE LEGISLATIVE FINDING STATED IN SECTION 1. THE AMENDMENT WOULD ALSO STRIKE SECTIONS 22 THROUGH 25, AND WOULD AMEND THE PROCEDURES FOR ADDRESSING AGGRAVATING AND MITIGATING FACTORS IN THE FIRST-DEGREE MURDER SENTENCING PROCEDURES. THERE'S NUMEROUS NUMBERS OF AMENDMENTS TO THIS SECTION OF THIS AMENDMENT, AND ONE OF THE COMMITTEE MEMBERS WILL BE TALKING AT LENGTH ON THAT. THANK YOU, MR. PRESIDENT. [LB268]

SENATOR WATERMEIER: THANK YOU, SENATOR SEILER. MR. CLERK FOR AN ANNOUNCEMENT. [LB268]

CLERK: MR. PRESIDENT, I NOW HAVE A SERIES OF AMENDMENTS TO THE COMMITTEE AMENDMENTS. SENATOR McCOY, I HAVE AM916 WITH A NOTE YOU WISH TO WITHDRAW, AM917 YOU WISH TO WITHDRAW, SENATOR, AND AM918. MR. PRESIDENT, SENATOR KINTNER WOULD MOVE TO AMEND THE COMMITTEE AMENDMENTS WITH AM926. [LB268]

SENATOR WATERMEIER: SENATOR KINTNER, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT TO THE COMMITTEE AMENDMENT. [LB268]

SENATOR KINTNER: I WISH TO WITHDRAW AM926 AND FILE IT ON SELECT FILE. [LB268]

SENATOR WATERMEIER: SEEING NO OBJECTION, WE'LL MOVE THAT TO SELECT FILE. MR. CLERK. [LB268]

CLERK: MR. PRESIDENT, THE NEXT AMENDMENT TO THE COMMITTEE AMENDMENT, SENATOR KINTNER, AM990. (LEGISLATIVE JOURNAL PAGE 1196.) [LB268]

SENATOR WATERMEIER: SENATOR KINTNER. [LB268]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YOU KNOW, BEFORE I TALK ABOUT THE DETAILS OF THIS AMENDMENT, I WANT TO SHARE MY THOUGHTS ABOUT THIS MONUMENTAL BILL THAT IS BEFORE US TODAY. I REMEMBER MY FIRST YEAR AS A SENATOR WHEN SENATOR CHAMBERS BROUGHT THIS BILL TO REPEAL THE DEATH PENALTY. THE ISSUE IS SERIOUS, THE INTENSITY OF THE ISSUE IMMENSE. THERE ARE SINCERELY HELD BELIEFS

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ON BOTH SIDES OF THIS ISSUE. CLEARLY, I'VE DECIDED THAT THE DEATH PENALTY IS A SANCTION THAT IS REQUIRED FOR THE MOST HEINOUS OF CRIMES. I ANTICIPATE THAT WE WILL HEAR A LOT OF DATA AND NUMBERS TODAY. WE'LL HEAR ASSERTIONS THAT THIS BILL WILL SAVE THE STATE MONEY. WE WILL HEAR THAT THE STATE SHOULD JUST PASS THE BILL IF WE AREN'T GOING TO USE THE DEATH PENALTY ANYWAY. WE WILL HEAR A LOT OF DATA. BUT WHAT WE WON'T HEAR IS WE WON'T HEAR CLAIMS THAT ANY OF THE 11 CONVICTED MURDERERS WHO ARE CURRENTLY ON NEBRASKA'S DEATH ROW ARE INNOCENT. THAT'S RIGHT. THERE MIGHT BE MANY EXAMPLES MENTIONED FROM OTHER STATES ABOUT THE DOUBT OF KILLING AN INNOCENT PERSON--NOT HERE IN NEBRASKA, BECAUSE UNLIKE OTHER STATES, THERE IS ABSOLUTELY NO CLAIM OF ACTUAL INNOCENCE OF THESE MURDERERS. THE TARGET OF MY AMENDMENT IS TO STRIKE THE SECTION OF THE COMMITTEE AMENDMENT THAT WOULD REPEAL THE DEATH PENALTY. ESSENTIALLY MY AMENDMENT WOULD RESTORE THE PENALTY TO THE BILL IN ORDER TO KEEP THE SANCTION IN LAW. I'VE LISTENED TO A LOT OF THE DISCUSSION LEADING UP TO TODAY'S FIRST-ROUND DEBATE. OUR CITIZENS ARE WATCHING US CLOSELY ON THIS ISSUE, AND IT'S AN ISSUE THAT NEBRASKANS CARE ABOUT. OUR LAW ENFORCEMENT OFFICIALS CARE ABOUT WHAT HAPPENS ON THIS BILL. THIS IS IMPORTANT STUFF. OUR PROSECUTORS CARE WHAT HAPPENS ON THIS BILL. THE FAMILIES OF THE VICTIMS OF THE 11 MURDERERS CARE WHAT HAPPENS ON THIS BILL. THIS ISN'T A BILL TO GIVE A TECHNICAL VOTE FOR AN ORDER TO MOVE IT ALONG. THIS ISN'T A BILL TO GIVE TO SENATOR CHAMBERS SO THAT HE WON'T HOLD UP THE REST OF THE SESSION. THIS ISN'T A BILL TO GIVE A VOTE IN EXCHANGE FOR A DEAL ON ANOTHER BILL THAT MIGHT MATTER MORE TO YOU PERSONALLY. THIS IS A SERIOUS ISSUE, AND WE NEED TO TAKE IT STRAIGHT ON. IT'S A DIFFICULT ISSUE. IT'S AN ISSUE THAT PRETTY MUCH DOES NOT LEAVE THE ROOM...LEAVE US MUCH ROOM TO COMPROMISE. THAT WILL MAKE THIS DEBATE DIFFICULT. I HOPE THAT OUR COLLEAGUES WHO SHARE MY OPINION ON THIS BILL CAN PROVIDE YOU WITH THE DATA THAT WILL CONVINCEN YOU TO KEEP THE DEATH PENALTY FOR THOSE RARE INSTANCES IN WHICH IT IS CALLED FOR. WELL, THANK YOU, MR. PRESIDENT, COLLEAGUES. I APPRECIATE YOU LISTENING, AND I LOOK FORWARD TO A THOUGHTFUL DEBATE. [LB268]

SENATOR WATERMEIER: THANK YOU, SENATOR KINTNER. MEMBERS, YOU'VE HEARD THE OPENING ON THE AMENDMENT TO THE COMMITTEE AMENDMENT. THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR COASH, SENATOR EBKE, SENATOR KRIST, AND OTHERS. SENATOR COASH, YOU ARE RECOGNIZED. [LB268]

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SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I WANT TO PUBLICLY THANK SENATOR KINTNER FOR HIS TONE ON THIS DEBATE. THIS IS THE KIND OF TONE WE SHOULD HAVE WHEN WE TALK ABOUT SOMETHING AS SERIOUS AS THIS. THIS IS NO JOKE. I WANT TO TALK TO YOU, COLLEAGUES, ABOUT MY OWN JOURNEY AS TO HOW I CAME TO BE A SUPPORTER OF THIS BILL. MANY YEARS AGO AS A COLLEGE STUDENT, THERE WAS AN EXECUTION TO TAKE PLACE HERE NOT TOO FAR FROM WHERE I LIVED. AND I MADE A TRIP DOWN TO THE STATE PENITENTIARY BECAUSE I THOUGHT THAT WOULD BE SOMETHING TO SEE, TO BE PART OF JUSTICE, TO BE PART OF AN EXECUTION. AND WHEN I WENT DOWN THERE, THERE WERE TWO SIDES OF PEOPLE THAT WERE THERE TO WITNESS. AND THERE WAS A SIDE THERE THAT THOUGHT IT WAS A PARTY, AND THEY HAD A BARBECUE. AND THEY HAD A COUNTDOWN LIKE IT WAS NEW YEAR'S EVE. THEY HAD A BAND. CAN YOU IMAGINE THAT, COLLEAGUES? A BAND AT AN EXECUTION. AND ON THE OTHER SIDE OF THAT PARKING LOT WERE PEOPLE WHO WERE QUIETLY PRAYING, TRYING TO BE A WITNESS TO LIFE, TRYING TO UNDERSTAND HOW THEIR GOVERNMENT COULD END A LIFE. AND I WAS ON THE WRONG SIDE OF THAT DEBATE THAT NIGHT, AND I NEVER FORGOT IT. AND I DIDN'T AT THE TIME ANTICIPATE BEING A PART OF STATE GOVERNMENT, BUT I ALWAYS THOUGHT IF I EVER HAD THE OPPORTUNITY, I WOULD NOT BE ON THAT SIDE OF THE DEBATE AGAIN. I WOULD NOT BE PART OF A BLOOD LUST. THE DEATH PENALTY IS NOT JUSTICE, IT IS REVENGE. SENATOR KINTNER TALKED ABOUT SOME VICTIMS. I WANT TO TALK ABOUT SOME VICTIMS AS WELL. I'VE TALKED TO SOME VICTIMS. AND I DON'T WANT TO SPEAK FOR ALL OF THEM. THEY ALL HAVE THEIR OWN JOURNEYS, AND THEY ALL FEEL DIFFERENTLY. BUT THE VICTIMS I'VE TALKED TO LOOKED ME IN THE EYE AND THEY SAY, WHEN THE GOVERNMENT SAYS THERE'S GOING TO BE A SENTENCE FOR THE CRIME THAT THEY COMMITTED AGAINST MY LOVED ONE, AND THEN THEY DON'T DO THAT, WHERE'S THE JUSTICE IN THAT? WHERE'S THE JUSTICE IN A SENTENCE THAT IS NEVER CARRIED OUT? AND HOW DO YOU THINK IT MAKES ME FEEL WHEN, BECAUSE OF THE SYSTEM, EVERY TIME THERE'S SOMETHING BROUGHT UP ABOUT AN EXECUTION, WE TALK ABOUT THE PERPETRATORS. AND IT REVICTIMIZES ME AND MY FAMILY, AND WHERE'S THE JUSTICE IS IN THAT? WHAT LB268 DOES IS IT SAYS TO VICTIMS, THIS IS ABOUT YOU. AND YOU GET JUSTICE THAT WAS HANDED DOWN. AND NO MORE WILL PEOPLE TALK ABOUT THE PEOPLE WHO DID THIS TO YOUR FAMILY. WE SHOULD FOCUS ON THE VICTIMS. AND THAT'S THE FOCUS I WANT TO GIVE. COLLEAGUES, AT THE END OF THE DAY I BELIEVE THAT LB268 IS A GOOD GOVERNMENT BILL. [LB268]

SENATOR WATERMEIER: ONE MINUTE. [LB268]

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SENATOR COASH: THANK YOU, MR. PRESIDENT. I KNOW MANY OF YOU WHEN YOU WENT DOOR TO DOOR YOU SAID TO THE CONSTITUENT YOU TALKED TO, YOU SEND ME TO LINCOLN AND WHEN I GET DOWN THERE I'M GOING TO FIND GOVERNMENT PROGRAMS THAT DON'T WORK, AND I'M GOING TO GET RID OF THEM. I'M GOING TO FIND GOVERNMENT PROGRAMS THAT WE DON'T USE YET COST US MONEY AND I'M GOING TO GET RID OF THEM. AND THAT'S EXACTLY WHAT LB268 DOES. IT ELIMINATES SOMETHING THAT WE DON'T NEED. WE CAN GET JUSTICE WITHOUT THIS METHOD, AND I APPRECIATE THOSE OF YOU THAT SEE IT THAT WAY. I RESPECT THOSE OF YOU THAT SEE IT DIFFERENTLY, BUT I WOULD ASK YOU TO CONSIDER WHAT LB268 IS AND VOTE ACCORDINGLY. THANK YOU, MR. PRESIDENT. [LB268]

SENATOR WATERMEIER: THANK YOU, SENATOR COASH. SENATOR EBKE, YOU ARE RECOGNIZED. [LB268]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. I RISE TODAY IN SUPPORT OF LB268 AND AM754. AND I UNDERSTAND THAT MANY OF MY FRIENDS IN THIS BODY SEE THIS ISSUE VERY DIFFERENTLY THAN I DO. SO I THOUGHT I MIGHT TRY TO TRACE MY EVOLUTION ON THIS QUESTION JUST AS SENATOR COASH DID. IN AUGUST OF 1983, MY HUSBAND AND I MOVED TO OMAHA WHERE HE WAS TO BEGIN MEDICAL SCHOOL. I INTENDED TO WORK PART TIME AND FINISH UP MY COLLEGE DEGREE. AND IN SEPTEMBER OF THAT YEAR, JOHN JOUBERT, WHO WAS LATER CONVICTED OF KILLING TWO YOUNG BOYS IN SARPY COUNTY AND HIS CRIMES, HAD JUST COME TO LIGHT. IN 1983, I WAS 21 YEARS OLD AND A SMALL-TOWN GIRL LIVING IN THE BIG CITY. FOR ALL I KNEW, BELLEVUE AND PAPPILLION WERE JUST BLOCKS FROM UNMC, WHICH WE LIVED NEAR. AND WE WERE CAREFUL ABOUT LOCKING OUR DOORS. WE WENT NOWHERE AT NIGHT. AND WHEN THE POLICE CAUGHT JOUBERT SOME MONTHS LATER, I HAVE A VERY CLEAR MEMORY OF SAYING, THEY SHOULD JUST FRY HIM TOMORROW. I CAN'T PINPOINT THE EXACT TURNING POINT IN MY VIEWS ABOUT THE DEATH PENALTY. I THINK A COMBINATION OF THINGS HAPPENED OVER THE COURSE OF THE NEXT 20 YEARS TO TURN ME INTO A PERSON WHO HAD VERY SERIOUS RESERVATIONS ABOUT THE DEATH PENALTY. AS MY FAITH GREW, AND I KNOW AND RESPECT THAT PEOPLE OF FAITH CAN HAVE DIFFERENT POSITIONS ON THIS ISSUE, I FELT PULLED IN THE DIRECTION OF BELIEVING THAT A DEATH PENALTY, WHILE PERHAPS ONCE A NECESSARY MEANS FOR PROTECTING CIVIL SOCIETY, WAS REALLY NOT NEEDED GIVEN OUR PRISON SYSTEMS. FOR ME, AND PERHAPS ONLY FOR ME, THE FAITH THAT INFORMED MY PERSONAL VIEWS ON THE QUESTION OF ABORTION, WHICH SAYS THAT LIFE IS ENDOWED BY GOD, COULDN'T BE RECONCILED IN MY MIND WITH CAPITAL PUNISHMENT WHEN

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OTHER MEANS OF PUNISHMENT WERE AVAILABLE. FRIENDS, WE DON'T LIVE AS NOMADS. WE ARE SETTLED. AND WITH THAT SETTLEMENT COMES A MEANS OF LOCKING PEOPLE AWAY WHO ARE A DANGER TO SOCIETY. DURING THE TIME WHEN I WAS MOVING IN THIS DIRECTION THOUGH, WE ALSO BEGAN TO SEE THE ADVENT OF DNA TESTING. AND WITH IT CAME THE EXONERATION OF PEOPLE WHO WERE SITTING ON DEATH ROW, AND EVEN IN A FEW CASES PEOPLE WHO WERE PUT TO DEATH FOR CRIMES THAT THEY DID NOT COMMIT. I'VE HANDED OUT A PACKET OF MATERIALS, SEVERAL PACKETS OF MATERIALS THAT ARE BEING HANDED OUT NOW. AND ONE OF THOSE THINGS IS AN OP-ED PIECE WRITTEN BY FORMER LINCOLN POLICE CAPTAIN AND CURRENT LANCASTER EMERGENCY MANAGEMENT DIRECTOR JIM DAVIDSAVER. WHILE I'M SURE THAT NOT EVERYONE IN THESE PROFESSIONS AGREE, THERE IS A SIGNIFICANT BODY OF OPINION BY PEOPLE INTIMATELY CONNECTED WITH LAW ENFORCEMENT AND THE CRIMINAL JUSTICE SYSTEM, WHICH I THINK SUGGESTS A FEW THINGS WORTHY OF NOTE. FIRST, THE PURPORTED DETERRENT EFFECT OF THE DEATH PENALTY IS PROBABLY AN ILLUSION AT BEST. THE FACT IS OR IT SEEMS TO BE THAT PEOPLE WHO COMMIT THESE AWFUL CRIMES DON'T THINK THAT THEY'RE GOING TO GET CAUGHT. TWO, THE DEATH PENALTY IS INCREDIBLY EXPENSIVE. ASSUMING THAT THE GOVERNMENT RESPECTS THE RULE OF LAW AND BEING COGNIZANT OF CIVIL LIBERTIES AND WANTS TO BE SURE THAT IT DOESN'T PUT INNOCENT PEOPLE DEATH, IT'S GOING TO COST US SOME MONEY. AND, THREE, IN ONE OF THE GALLUP CHARTS THAT I HANDED OUT, I BELIEVE IT'S ON PAGE 3 OF THE GALLUP POLLING SECTION, IT'S CLEAR THAT WHILE THE PERCENTAGE OF PEOPLE WHO FAVOR THE DEATH PENALTY HAS REMAINED SOMEWHAT CONSTANT FOR THE LAST 15 YEARS, THE REASONS WHY PEOPLE AFFIRM THE PRACTICE OF THE DEATH PENALTY HAS DISPERSED SIGNIFICANTLY. PEOPLE CAN'T AGREE ON WHY WE SHOULD HAVE A DEATH PENALTY. IS IT FOR REVENGE? IS IT JUST BECAUSE THAT'S JUST A GOOD PUNISHMENT? IS IT AN EYE FOR AN EYE? WHAT IS IT? AND, COLLEAGUES, I WOULD ARGUE THAT IF WE CAN'T AT LEAST AGREE ON WHY WE SHOULD PUT PEOPLE TO DEATH, THEN PERHAPS WE OUGHT TO THINK CAREFULLY ABOUT WHY WE'RE DOING IT AND NOT DO IT AT ALL. [LB268]

SENATOR WATERMEIER: ONE MINUTE. [LB268]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. [LB268]

SENATOR WATERMEIER: THANK YOU, SENATOR EBKE. THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR KRIST, SENATOR WILLIAMS, SENATOR SCHNOOR,

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AND SENATOR McCOY AND OTHERS. SENATOR KRIST, YOU ARE RECOGNIZED.
[LB268]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. THERE ARE TIMES WHEN ELOQUENCE AND FINE SPEECHES ARE DUE. AND THERE ARE TIMES WHEN THE FEWER WORDS THAT ARE SAID, THE MORE IS CONVEYED. FROM THIS MORNING'S PAPER AND AS A QUOTE FROM A PRESS CONFERENCE WE HAD YESTERDAY, I'LL READ MY OWN WORDS AND THAT'S ALL I INTEND TO SAY ON THIS SUBJECT. "I AM REPUBLICAN ENOUGH. I AM CONSERVATIVE ENOUGH. AND I AM STRONG ENOUGH TO FOLLOW THROUGH WITH MY LIFE CONVICTIONS, WHICH IS LIFE FROM CONCEPTION TO NATURAL DEATH." THANK YOU FOR LISTENING. [LB268]

SENATOR WATERMEIER: THANK YOU, SENATOR KRIST. SENATOR WILLIAMS, YOU ARE RECOGNIZED. [LB268]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT, AND WELCOME THIS MORNING, COLLEAGUES. WE DEAL WITH MANY TOUGH ISSUES IN THIS BODY, MANY THAT ARE NO MORE TOUGH THAN THIS ONE. AND FOR ME PERSONALLY THIS IS AN EXTREMELY TOUGH ISSUE. I AM ON THE JUDICIARY COMMITTEE, SO I WAS FORTUNATE ENOUGH TO BE THERE AND HEAR ALL OF THE WITNESSES TESTIFY THAT YOU HAVE HEARD ABOUT TODAY. AND THAT HAS HELPED ME IN FORMING MY OPINION ON THIS ISSUE. MANY OF THE ISSUES THAT WE TALK ABOUT HERE AND THE BILLS THAT COME UP, WHEN YOU GO BACK TO YOUR DISTRICT PEOPLE DON'T NECESSARILY HAVE AN OPINION ON THEM. BUT AS WE ALL KNOW, THIS PARTICULAR ISSUE IS AN ISSUE THAT EVERYONE HAS AN OPINION ON AND A VIEW ON. AND OFTENTIMES THOSE OPINIONS AND VIEWS MAY BE BASED ON DIFFERENT PERCEPTIONS THAN THE REALITY THAT THOSE 49 OF US THAT ARE SITTING IN THIS BODY HAVE TO REALIZE BECAUSE AT THE END OF THE DAY, WHETHER THAT'S MONDAY, TUESDAY, WHATEVER DAY IT IS NEXT WEEK, WE HAVE TWO CHOICES. WE HAVE A RED BUTTON AND A GREEN BUTTON, AND WE WILL BE ASKED TO PUSH ONE OF THOSE BUTTONS ON A TOUGH ISSUE. FOR ME, IT'S BEEN DIFFICULT, BUT AT THIS POINT I FULLY SUPPORT LB268 WITH THE COMMITTEE AMENDMENT AM754, AND THE REASON I DO THAT IS FAIRLY SIMPLE FOR ME. THE STATISTICS THAT GO INTO THIS, SINCE THE EARLY 1900s IN NEBRASKA, WE HAVE CONVICTED 72 PEOPLE THAT HAVE BEEN SENTENCED TO CAPITAL PUNISHMENT IN OUR STATE. DURING THAT PERIOD OF TIME SINCE THEN, WE'VE EXECUTED 23. RIGHT NOW WE HAVE 11 THAT ARE ON DEATH ROW, AND WE HAVE NOT EXECUTED A PERSON IN NEBRASKA FOR OVER 18 YEARS, AND THE PLAIN FACT IS THAT CURRENTLY WITH OUR SYSTEM OF EXECUTION

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WE DON'T HAVE A SYSTEM AVAILABLE TO CARRY OUT THAT VERDICT. SO I LOOK AT THAT AND SAY, WHAT DOES THIS MEAN FOR US? WE REALLY NEVER DO IT, SO WHY ARE WE SPENDING THE TIME AND THE EFFORT TO WORRY ABOUT IT? THE SECOND THING THAT I JUMP INTO IS THE COST. AND THE COST NUMBER IS COUNTERINTUITIVE TO THOSE OF US THAT WORK WITH NUMBERS, AND I'VE HAD THAT OPPORTUNITY ALL MY LIFE BECAUSE THERE'S THE ASSUMPTION THAT JUST JUMPS OUT AT YOU THAT IT HAS TO COST MORE TO KEEP SOMEONE IN PRISON FOR LIFE THAN IT DOES TO EXECUTE THEM. THE PLAIN FACT IS IF YOU LOOK STATISTICALLY AT IT, THE COST OF THE LEGAL APPEALS SYSTEM, THE THREE-JUDGE PANEL, EVERYTHING THAT WE GO THROUGH TO PROTECT INNOCENT PEOPLE'S RIGHTS COST SUBSTANTIALLY MORE. IN FACT, THE FIGURES SEEM TO SHOW THAT IT COSTS ABOUT THREE TIMES AS MUCH TO EXECUTE A PERSON AS IT DOES TO CONVICT THEM TO LIFE IMPRISONMENT WITHOUT PAROLE. IT'S ALSO CLEAR FROM THE TESTIMONY WE RECEIVED AND THE INDEPENDENT RESEARCH THAT I HAVE DONE THAT THE DEATH PENALTY DOES NOT WORK AS A DETERRENT TO THE CRIME. SO WE LOSE THAT AS AN ARGUMENT TO MAINTAIN THE DEATH PENALTY. [LB268]

SENATOR WATERMEIER: ONE MINUTE. [LB268]

SENATOR WILLIAMS: AND THEN THE ONE THAT JUMPS OUT AT ME AND REALLY GRABS ME IS THE STATISTIC THAT IN THE UNITED STATES SINCE 1973, 143 PEOPLE THAT WERE ON DEATH ROW HAVE HAD THEIR CONVICTIONS OVERTURNED BECAUSE OF DNA EVIDENCE THAT WAS NOT AVAILABLE AT THE TIME OF THEIR CONVICTION, 143 PEOPLE THAT WERE RELEASED THAT COULD HAVE BEEN AND MAY WELL HAVE BEEN EXECUTED. AS I SAID, AT THE END OF THE DAY WE HAVE TWO CHOICES. WE HAVE A RED BUTTON AND A GREEN BUTTON. I'M NOT GOING TO GO AROUND AND TRY TO CONVINC ANYBODY TO CHANGE THEIR MIND ON THIS ISSUE BECAUSE THIS ONE IS IN YOUR SOUL. AND I ASK EACH ONE OF US TO USE OUR BEST JUDGMENT FOR THE FUTURE OF OUR STATE ON THIS ISSUE. THANK YOU, MR. PRESIDENT. [LB268]

SENATOR WATERMEIER: THANK YOU, SENATOR WILLIAMS. SENATOR SCHNOOR, YOU ARE RECOGNIZED. [LB268]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. WE'RE GOING TO HEAR A LOT OF INFORMATION TODAY ABOUT THE COST OF THIS, ABOUT...WE'VE ALREADY HEARD THAT. WE'VE ALREADY HEARD ABOUT INNOCENT VICTIMS THAT ARE BEING PUT TO DEATH. AND ALL OF THAT IS WRONG. IT'S ABSOLUTELY WRONG.

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THERE IS NOT ONE PERSON HERE ON DEATH ROW THAT HAS BEEN EXONERATED OR PROVED INNOCENT. THE AMOUNT OF APPEALS IS ASTOUNDING. BUT THE AMOUNT OF APPEALS FOR OUR CAPITAL OFFENSES ARE 34. THAT'S IT, 34. DO YOU KNOW HOW MANY APPEALS THERE ARE FOR NONCAPITAL OFFENSES? DOES ANYBODY KNOW? 5,943. SO WHEN YOU SAY THIS IS A COST SAVINGS, IT'S WRONG. AND DO YOU KNOW WHO HANDLES THE APPEALS? OUR DEPARTMENT OF JUSTICE, THEY ARE ALL SALARIED EMPLOYEES. THERE'S NO EXTRA COST. THEY'RE STILL JUST DOING THEIR NORMAL JOB. AND ACTUALLY, IT IS A VERY SMALL PERCENTAGE OF WHAT THEY DO. FIVE THOUSAND NINE HUNDRED FORTY-THREE AND ONLY THIRTY-FOUR APPEALS FOR THOSE ON DEATH ROW. THAT'S THE DIFFERENCE. SO TO SAY THAT THE COST IS UNBEARABLE IS JUST FALSE. IT'S 100 PERCENT FALSE, AND SENATOR COASH TALKED ABOUT DEATH PENALTY AS REVENGE. I WOULD AGREE WITH THEM, IF IT WAS ME TAKING OUT THAT ACTION. IF SOMEBODY KILLED ONE OF MY CHILDREN OR ONE OF MY FAMILY, THAT'S EXACTLY WHAT I'D WANT TO DO. AND THAT IS REVENGE. BUT THAT'S NOT WHAT THE BIBLE TELLS US. YOU KNOW, WE ALL...WE TALK ABOUT CHRISTIANITY AND OUR CHRISTIANITY BELIEFS. WELL, I WANT TO READ SOME BIBLE VERSES FOR YOU THAT TALKS ABOUT THIS. EXODUS 21 TALKS ABOUT AN EYE FOR AN EYE. NUMBERS 35: WHO SO KILLETH ANY PERSON, THE MURDERER SHALL BE PUT TO DEATH BY MOUTH OF THE WITNESSES. THAT'S HOW WE LIVE. THAT'S HOW OUR CONSTITUTION WAS FORMED, BASED ON THESE BELIEFS. AND WE TALK ABOUT INNOCENT LIFE. I BELIEVE IN IT...OR WE TALK ABOUT PRO-LIFE. I AM A PRO-LIFE PERSON. BUT I AM PRO INNOCENT LIFE. I AM PRO-LIFE FOR THAT BABY THAT HAS NO CHOICE. I AM PRO-LIFE FOR THESE VICTIMS THAT DIDN'T HAVE A SAY. BUT I AM NOT PRO-LIFE FOR THESE MURDEROUS SAVAGES BECAUSE WE WILL GIVE YOU STORIES OF WHAT HAS HAPPENED IN OUR STATE, AND THEY ARE SICKENING. THEY ARE ABSOLUTELY SICKENING, LIKE THE STORY OF MICHAEL RYAN. AND I'LL WARN YOU, THIS IS NASTY. THIS IS ABSOLUTELY NASTY. BUT YOU NEED TO KNOW THIS BECAUSE THESE ARE THE PEOPLE THAT WE'RE TRYING TO, I GUESS, PROTECT. RYAN WAS A LEADER OF A GROUP CHARACTERIZED AS BOTH A RELIGIOUS CULT AND A BAND OF CRIMINALS LIVING ON A FARM OUTSIDE OF RULO, NEBRASKA. AND THIS HAPPENED BACK IN 1989. I WASN'T AROUND. I WAS IN THE MILITARY. MY DAD TOLD ME ABOUT IT. BUT THAT'S...WHAT I KNOW IS THE ACTUAL INFORMATION I HAVE HERE. IN PREPARATION FOR THE BATTLE OF ARMAGEDDON, RYAN AND THE MEMBERS OF HIS CULT COMMITTED STEALING RAIDS IN THE STATES OF KANSAS, MISSOURI, AND NEBRASKA... [LB268]

SENATOR WATERMEIER: ONE MINUTE. [LB268]

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SENATOR SCHNOOR: ...OVER A PERIOD OF TWO YEARS. A YOUNG CULT MEMBER, JAMES THIMM, EXPRESSED DOUBTS ABOUT RYAN'S COMMUNICATION WITH YAHWEH, WHAT HE CALLED HIS GOD. RYAN REFERRED TO THIMM AND OTHER YOUNG DOUBTERS AS THE GROUP OF SLAVES. AND OVER A PERIOD OF MONTHS, RYAN KEPT THIMM CHAINED TO A TRAILER. HE FORCED THIMM TO ENGAGE IN ANAL SEX WITH OTHER MEMBERS OF THE CULT. NOW, I'VE GOT TO WARN YOU, I'M NOT COMFORTABLE TALKING ABOUT THIS, BUT THIS IS THE TRUTH. THIS IS WHAT HAS HAPPENED IN OUR STATE. ONE DAY RYAN INSTRUCTED THIMM TO DISROBE AND BEND OVER A FARROWING CRATE. A FARROWING CRATE IS WHAT'S USED FOR HOGS. AND PLEASE BEAR WITH ME, THIS IS NASTY. THEY TOOK A SHOVEL HANDLE AND SHOVED IT IN HIS RECTUM AND THEN... [LB268]

SENATOR WATERMEIER: TIME, SENATOR. [LB268]

SENATOR SCHNOOR: OKAY, I'M GOING TO CONTINUE. [LB268]

SENATOR WATERMEIER: THANK YOU, SENATOR SCHNOOR. SENATOR McCOY, YOU ARE RECOGNIZED. [LB268]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I RISE THIS MORNING IN STRONG OPPOSITION TO LB268, MUCH THE SAME WAY I DID TWO YEARS AGO WHEN WE LAST FACED THIS ISSUE. THIS IS AT LEAST THE THIRD TIME, I BELIEVE, THAT I'VE ENCOUNTERED THIS ISSUE OR DEALT WITH THE DEATH PENALTY SINCE I'VE BEEN HERE IN THE LEGISLATURE, INCLUDING IN 2009 WHEN I WAS A PART OF A GROUP OF SENATORS, MOST ARE NO LONGER IN THE LEGISLATURE, WHO SPEARHEADED THE MOVE TO LETHAL INJECTION IN OUR STATE. I WANT TO READ THE WORDS OF TWO FORMER SENATORS, WORDS THAT WERE SPOKEN ON THIS FLOOR IN 2008, IN THE MIDDLE OF MY FIRST RUN FOR THE LEGISLATURE. AND I THINK THEY'RE PARTICULARLY TIMELY THIS MORNING. THE FIRST IS FROM FLOOR DEBATE ON MARCH 25, 2008, SENATOR TOM WHITE. I QUOTE, THIS WAS IN REGARDS TO HIS OPPOSITION TO THE REPEAL OF THE DEATH PENALTY: MY RELIGION TEACHES, THOUGH, THAT KILLING IS PERMITTED IN ONE CIRCUMSTANCE, AND THAT IS TO DEFEND THE LIFE OF INNOCENT PEOPLE, YOURSELF OR OTHERS. THAT IS THE ONLY TIME KILLING IS PERMITTED. I CANNOT SUPPORT THIS BILL BECAUSE, THOUGH NOT FREQUENT, THERE ARE SUBSTANTIAL EXAMPLES OF INMATES WHO SIMPLY REMAIN TOO DANGEROUS TO BE LEFT ALIVE. THERE'S WELL-DOCUMENTED INCIDENCES OF INMATES WHO HAVE REPEATEDLY KILLED OTHER INMATES OR GUARDS. THERE ARE WELL-DOCUMENTED INCIDENTS OF PEOPLE WHO HAVE BEEN CONVICTED

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OR ARE AWAITING TRIAL WHO HAVE CAUSED MURDERS TO BE COMMITTED AGAINST JUDGES, PROSECUTING ATTORNEYS, AND WITNESSES. KILLING SOMETIMES IN VERY RARE CIRCUMSTANCES IS THE ONLY MORAL COURSE; THAT THE MAN WHO IS IN PRISON ALSO HAS A RIGHT TO FIND SALVATION IN LIFE IN PRISON AND NOT BE AFRAID THAT HE WILL BE KILLED IN HIS CELL; THAT THE GUARD TRYING TO KEEP SOCIETY SAFE NOT BE WORRIED THAT A MURDERER WHO WILL NEVER GET OUT CAN MURDER AND MURDER AGAIN WITHOUT ANY ADDITIONAL CONSEQUENCE; THAT THE JUSTICE SYSTEM, AS IMPERFECT AS IT MAY BE, CANNOT BE CORRUPTED BY PEOPLE COMMITTING MURDERS FROM PRISON TO AVOID PUNISHMENT. GIVEN THAT, IN MY EXPERIENCES, I CANNOT VOTE FOR THIS. DESPITE LIFE IMPRISONMENT, THEY REMAIN TOO DANGEROUS TO BE LIFT ALIVE. THE NEXT SENATOR'S WORDS THAT I WANT TO READ, SAME DAY, SENATOR SCOTT LAUTENBAUGH: I WILL NOT STAND HERE AND QUESTION THE MOTIVES OF THOSE WHO WANT TO REPEAL CAPITAL PUNISHMENT. THEY HAVE THEIR REASONS, AND WE DISAGREE. WHEN I HEAR SOME OF MY COLLEAGUES SUGGEST THAT THOSE OF US WHO OPPOSE THIS BILL ARE DOING SO SO WE CAN SAY WE'RE TOUGH ON CRIME, I GET ANGRY. I GET VERY ANGRY. I AM PRO-LIFE; I CONSIDER MYSELF TO BE STRONGLY PRO-LIFE. BUT WHEN YOU VIOLATE OUR SOCIETY'S MOST DEEPLY HELD RULES, THERE IS AN ULTIMATE SANCTION THAT I BELIEVE IS APPROPRIATE. YOU CAN BE PRO-FREEDOM AND STILL FAVOR INCARCERATION WHEN A CRIME IS COMMITTED. THAT DOESN'T MAKE YOU ANTI-FREEDOM; THAT MEANS YOU'RE IN FAVOR OF APPROPRIATE PUNISHMENT. I CONSIDER MYSELF TO BE A PRO-LIFE PERSON AND I CONSIDER MYSELF AN OPPONENT OF THESE BILLS AND THESE AMENDMENTS. WELL, I WHOLEHEARTEDLY CONCUR WITH BOTH THE WORDS OF SENATOR WHITE IN THIS CASE AND SENATOR LAUTENBAUGH. AND THOSE OF YOU WHO HAVE EITHER BEEN WATCHERS OF THE LEGISLATURE... [LB268]

SENATOR WATERMEIER: ONE MINUTE. [LB268]

SENATOR McCOY: ...OR A MEMBER OF THE LEGISLATURE FOR THE LENGTH OF TIME THAT I HAVE OR LONGER KNOW THAT SENATOR WHITE AND SENATOR LAUTENBAUGH RARELY EVER AGREED ON MUCH. SOMETIMES I DISAGREED WITH BOTH OF THEM OR EITHER ONE OF THEM AS THE CASE WARRANTED. BUT I RISE THIS MORNING TO AGREE WITH WHAT THEY SAID: THE DEATH PENALTY IS THE APPROPRIATE PUNISHMENT THE FOR THE WORST OF THE WORST WHO COMMIT THE MOST HEINOUS CRIMES POSSIBLE AGAINST NEBRASKANS. THANK YOU, MR. PRESIDENT. [LB268]

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SENATOR WATERMEIER: THANK YOU, SENATOR McCOY. MR. CLERK FOR AN ANNOUNCEMENT. [LB268]

CLERK: MR. PRESIDENT, THE BUSINESS AND LABOR COMMITTEE WILL MEET IN EXECUTIVE SESSION AT 10:00 IN ROOM 2022.

SENATOR WATERMEIER: THANK YOU, MR. CLERK. THOSE WISHING TO SPEAK IN THE QUEUE: SENATOR KINTNER, SENATOR BRASCH, SENATOR BLOOMFIELD, SENATOR COOK, AND OTHERS. SENATOR KINTNER, YOU ARE RECOGNIZED. [LB268]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YOU KNOW, I CAME DOWN HERE. I RAN BECAUSE I THOUGHT TAXES WERE TOO HIGH. I THOUGHT SPENDING WAS OUT OF CONTROL, AND HERE I FIND MYSELF STANDING UP TO HELP LEAD THE EFFORT TO GIVE OUR PROSECUTORS AND ATTORNEY GENERAL AND LAW ENFORCEMENT PEOPLE A TOOL THAT THEY NEED TO BRING JUSTICE IN OUR STATE. I'D RATHER BE TALKING ABOUT TAXES. I'D RATHER BE TALKING ABOUT THE FAMILY BUDGETS OF EACH NEBRASKAN. I'D RATHER BE TALKING ABOUT PLACES THAT WE CAN CUT SPENDING, BUT WE'RE TALKING ABOUT THE DEATH PENALTY. BUT I AM PRETTY MUCH KNOWN AS A FISCAL HAWK. I DON'T WANT TO SPEND MONEY WE DON'T HAVE TO SPEND. AND LET ME JUST MAKE SURE THAT WE'RE CLEAR THAT PUTTING SOMEONE TO DEATH DOES NOT COST SUBSTANTIALLY MORE THAN PUTTING SOMEONE ON DEATH ROW. YOU HAVE THE SAME COST TO INCARCERATE SOMEBODY. YOU HAVE NO ADDITIONAL COST ON THE APPEALS BECAUSE THE ATTORNEY GENERAL'S STAFF ARE ON SALARY. I KNOW THAT, MY WIFE USED TO WORK THERE FOR SIX YEARS. AND IT DOESN'T MATTER WHAT CASE SHE WAS WORKING ON, SHE GOT PAID THE SAME AMOUNT. THE ELECTRICITY STILL HAS TO BE PAID. THE RENT STILL HAS TO BE PAID. THERE'S NO ADDITIONAL COST TO DEFEND AGAINST THESE CRAZY APPEALS. AND WHEN THE OPPONENTS OF DEATH PENALTY APPEAL IT AND ENDLESSLY APPEAL IT AND ENDLESSLY APPEAL IT AND ENDLESSLY APPEAL IT, AND THEN THEY COME BACK AND THEY TELL US IT DOESN'T WORK. WELL, I THINK THAT'S A CIRCULAR ARGUMENT. THEY'RE THE ONES THAT ARE COSTING SO MUCH MONEY, AND NOW THEY'RE TELLING US IT DOESN'T WORK AND IT COSTS A LOT OF MONEY. WELL, IT DOESN'T COST A LOT OF MONEY. LET ME SAY IT AGAIN, THE COST TO PUT SOMEONE TO DEATH, IF WE ACTUALLY PUT THEM TO DEATH, IT'S A LOT CHEAPER THAN KEEPING SOMEONE FOR LIFE. AND IF WE JUST GO WITH ENDLESS APPEALS, THE COST IS ABOUT THE SAME. THERE IS NO COST DIFFERENCE. SENATOR WILLIAMS SAID THIS IS A MATTER OF THE HEART. WELL, SOME OF MY COLLEAGUES HAVE FLAT OUT TOLD ME IT'S A MATTER OF

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DOLLARS AND CENTS. SO IF IT'S A MATTER OF DOLLARS AND CENTS, THERE'S NOT A DOLLARS AND CENTS REASON TO GET RID OF THE DEATH PENALTY. AND WHEN SOMEONE SAYS IT COSTS THREE TIMES AS MUCH, THAT IS ABSOLUTELY AS FALSE AS CAN BE--ABSOLUTELY AS FALSE AS CAN BE. NOW, I WANT TO KIND OF WALK THROUGH HOW A DEATH PENALTY IN THE JUDICIAL REVIEW PROCESS. YOU START OUT WITH DIRECT REVIEW. THERE'S A TRIAL IN STATE DISTRICT COURT, MANDATORY DIRECT APPEAL TO NEBRASKA SUPREME COURT, MANDATORY. PETITION FOR WRIT OF--AND I'LL ASK THE "PROFESSOR" OVER HERE, SENATOR SCHUMACHER, HOW TO SAY IT--CERTIORARI TO THE SUPREME COURT OF THE UNITED STATES. AND I'M SURE SENATOR SCHUMACHER CAN HELP ME WITH HOW TO PRONOUNCE THAT. AND WE GO TO A STATE POST CONVICTION REVIEW, POST CONVICTION MOTION IN STATE DISTRICT COURT, THEN WE HAVE APPEAL TO THE NEBRASKA SUPREME COURT, AND THEN WE HAVE ANOTHER PETITION TO UNITED STATES SUPREME COURT. THEN WE HAVE A FEDERAL HABEAS CORPUS REVIEW, AND IT'S A PETITION TO FEDERAL DISTRICT COURT. AND THEN IT GOES TO AN APPEAL TO THE UNITED STATES DISTRICT COURT OF THE EIGHTH CIRCUIT. AND THEN WE HAVE ANOTHER PETITION THAT GOES RIGHT TO THE SUPREME COURT. SO NOW THE SUPREME COURT HAS LOOKED AT IT, U.S. SUPREME COURT, FOR A THIRD TIME. AND THEN YOU HAVE SOME OTHER LITIGATION THAT COULD AFFECT IT. THEY COULD DO A PETITION FOR ADDITIONAL DNA TESTING, AND THAT WOULD BE HEARD IN THE DISTRICT COURT AND COURT OF APPEALS. AND THEN STATE... [LB268]

SENATOR WATERMEIER: ONE MINUTE. [LB268]

SENATOR KINTNER: ...HABEAS CORPUS, THAT WOULD BE A DISTRICT COURT HEARING AND APPEAL. THAT IS QUITE A PROCESS. THAT IS A...IF THEY STRETCH IT OUT, THAT'S A 10- TO 15-YEAR PROCESS RIGHT THERE. YOU HAVE EVERY OPPORTUNITY TO PROVE YOUR INNOCENCE. THAT'S WHY WE NEVER HAD A PERSON IN OUR STATE ON DEATH ROW THAT THEY FOUND THAT WE WRONGLY CONVICTED THEM AND PUT THEM ON DEATH ROW. WE'LL BE BACK TO TALK AGAIN. THANK YOU FOR THE TIME, MR. PRESIDENT. [LB268]

SENATOR WATERMEIER: THANK YOU, SENATOR KINTNER. SENATOR BRASCH, YOU ARE RECOGNIZED. [LB268]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I WANT TO ASSURE SENATOR COASH THAT AS WE ADDRESS THE DEATH PENALTY, THERE'S NO JOY IN THIS. THERE ARE NO BANDS, THERE ARE NO

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PICNICS, NONE OF THE ACTIVITIES THAT UNFORTUNATELY HE WITNESSED. I IMAGINE IT WAS MANY YEARS AGO. THERE'S NOTHING TO BE MADE LIGHT OF HERE. THOSE OF US WHO OPPOSE THIS BILL, AND, YES, I DO OPPOSE IT AND THE AMENDMENT BECAUSE I REMEMBER ALL TOO WELL OF THE INNOCENT LIVES TAKEN IN NORFOLK, NEBRASKA, NOT THAT LONG AGO. AND I REMEMBER, AS SENATOR McCOY DID, OTHER DEBATES WHERE SPEAKER FLOOD AT THAT TIME, HIS DISTRICT WAS NORFOLK. THE HORRIFIC EVENTS THAT HAPPENED THERE. THE DEATH PENALTY IS JUSTICE FOR INNOCENT LIVES THAT WERE TAKEN HORRENDOUSLY, HORRIFICALLY FOR THE FAMILIES THAT WERE LEFT BEHIND, THE PAIN. IN NORFOLK, NEBRASKA, ONE OF THE STATE TROOPERS THREE DAYS AFTER THAT EVENT COMMITTED SUICIDE WITH GREAT DESPAIR BELIEVING THAT HAD HE DONE A GUN CHECK ON ONE OF THE SHOOTERS PERHAPS THAT WOULD NOT HAVE HAPPENED. HE IS NOT TO BLAME, AND TO TAKE YOU BACK TO WHEN...SPEAKER FLOOD AND I BOTH WELL REMEMBER, THERE WAS AN ARTICLE THAT THE HEADLINE IS "10 YEARS AFTER THE NORFOLK BANK ROBBERY, A TIME TO REMEMBER." AND IT'S WRITTEN BY ONE OF THE SURVIVORS. AND SUE STAEHR HAD SAID THAT SHE HADN'T SPOKEN PUBLICLY ABOUT WHAT HAPPENED BECAUSE IT WAS SO HORRIFIC. BUT I WANT PEOPLE TO REMEMBER THAT PEOPLE WERE THERE, PEOPLE LIKE LISA BRYANT, 29, OF NORFOLK; LOLA ELWOOD, 43, OF NORFOLK; JOE MAUSBACH, 42, OF HUMPHREY; SAMUEL SUN, 50, OF NORFOLK; EVONNE TUTTLE, 37, OF STANTON. AND SUE SAYS: I THINK A LOT ABOUT THEM DURING CHURCH, AND I THINK ABOUT THEM AT EVENTS LIKE WHEN I GO TO A WEDDING AND I THINK HOW LOLA DIDN'T GET TO GO TO HER DAUGHTER'S WEDDING. SAM DIDN'T GET TO GO TO HIS SONS' GRADUATIONS. THOSE KIND OF THINGS. I THINK I'M LUCKY I GOT TO GO TO MINE. SHE ALSO WROTE IN REMEMBRANCE TO THOSE WHO REMAIN AND WHO DIED, WHAT HAPPENED. SHE SAID IT WAS LIKE ANY OTHER DAY, HER COWORKERS, THEIR CUSTOMERS WERE GOING ABOUT THEIR ROUTINES. THEY HAD BREAKFAST. THEIR KIDS WERE DROPPED OFF AT SCHOOL, THEIR ERRANDS RUN, HUGS AND KISSES SHARED. AND THEN AS I READ ON IT TALKS ABOUT THAT, AND SHE'S SPEAKING FROM HER HEART, ALL OF IT ENDED AFTER 40 SECONDS. THERE WAS NO NEED FOR A DNA TEST. IT HAPPENED, WITNESSES ON CAMERA, EVENTS WERE REAL. WE'RE TALKING ABOUT PUNISHMENT THAT IS JUST FOR THE CRIME. [LB268]

SENATOR WATERMEIER: ONE MINUTE. [LB268]

SENATOR BRASCH: SENATOR COASH WHEN HE MENTIONED THE LIGHTNESS, MANY OF US HAVE RECEIVED MAILINGS THAT EQUATED MEMBERS HERE TO THE WIZARD OF OZ. I EVEN HAD A MAILING AGAINST MY PASTOR, HIS PHOTOGRAPH

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TALKING ABOUT WE NEED TO TALK TO GOD. FAITH IS JUST. THERE ARE SCRIPTURES THAT GIVE GOVERNMENT THE AUTHORITY TO EXECUTE THOSE WHO WOULD COMMIT HORRIFIC UNQUESTIONABLE CRIMES. WE'VE SEEN THE NUMBERS HERE. IT IS NOT SOMETHING THAT IS BEYOND OUR GRASP FISCALLY OR FINANCIALLY. IT IS WITHIN A BUDGET. THAT'S NOT TRUE THAT THE PAST HAS SAID THAT THIS IS SOMETHING WE CAN'T AFFORD. SO THERE IS NO JOY. THERE IS NO GLORY. IT'S PROTECTION OF INNOCENT LIFE, INNOCENT FROM CONCEPTION TO INNOCENT UPON... [LB268]

SENATOR WATERMEIER: TIME, SENATOR. [LB268]

SENATOR BRASCH: ...NATURAL DEATH. THANK YOU. [LB268]

SENATOR WATERMEIER: THANK YOU, SENATOR BRASCH. SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB268]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, THIS IS AN ISSUE THAT RIPS ALL OF US APART. I AT THIS MOMENT DON'T KNOW HOW I'M GOING TO VOTE ON IT. I WILL ULTIMATELY REACH THAT DECISION WHEN MY NAME IS CALLED ON THE ROLL CALL VOTE. I WILL CONTINUE TO LISTEN. I WILL TALK TO PROPONENTS AND OPPONENTS OF THIS OUTSIDE OF THE CHAMBER. I WILL GO HOME AND BEAT THE HELL OUT OF MYSELF ALL WEEKEND OVER THIS ISSUE. AND I CAN'T TELL YOU YET HOW I'M GOING TO VOTE ON IT. I SHARE THE SAME ANGUISH THAT SENATOR BRASCH DOES, AND I'M SURE SENATOR SCHEER DOES ABOUT THE EVENTS IN NORFOLK. I REMEMBER THE PASSION OF SENATOR FLOOD WHEN HE SPOKE OF THE ISSUE IN NORFOLK. I HAVE ALWAYS IN THE PAST COME DOWN ON THE SIDE OF KEEPING THE DEATH PENALTY. I DON'T KNOW WHERE I'M GOING TO BE THIS YEAR. THOSE OF YOU WHO HAVE BEEN HERE KNOW THAT I WRESTLE WITH THIS EVERY YEAR. I GO BACK TO MY MOTHER'S HAUNTING WORDS. THE STATE SHOULD NOT TAKE AWAY A LIFE UNTIL THEY HAVE THE ABILITY TO GIVE IT BACK. BUT THERE IS JUSTICE THAT NEEDS TO BE SERVED. AND NORFOLK CERTAINLY CRIES OUT FOR THAT. I WILL CONTINUE TO WRESTLE WITH MYSELF ON THIS. I WILL CONTINUE TO LISTEN. I MAY BE LISTENING OUT OF THE CHAMBER BECAUSE SOMETIMES IT'S QUIETER OUT OF THE CHAMBER. I, LIKE SENATOR KRIST, WILL PROBABLY NOT SPEAK ON THIS ISSUE AGAIN. I HAVE BEEN ASKED TO YIELD TIME. I PROBABLY WILL NOT DO THAT. SENATOR CHAMBERS, I KNOW COULD USE TIME AS COULD SENATOR--I'M TRYING TO THINK OF KINTNER'S NAME BACK THERE--SENATOR KINTNER COULD USE TIME. I WILL STRUGGLE WITH THIS. I WILL MAKE MY DECISION WHEN THE

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LIGHT IS TURNED ON, OR WHEN REQUIRED. AND I WILL LISTEN CAREFULLY.
THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. [LB268]

SENATOR WATERMEIER: THANK YOU, SENATOR BLOOMFIELD. SENATOR COOK,
YOU'RE RECOGNIZED. [LB268]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD MORNING,
COLLEAGUES. I RISE IN SUPPORT OF LB268 AND THE UNDERLYING AMENDMENT.
I HAVE BEEN A CONSISTENT OPPONENT TO THE DEATH PENALTY AND HAVE
SUPPORTED EACH BILL PROPOSAL AS IT'S COME FORWARD DURING MY TENURE
IN THE LEGISLATURE. I WANTED TO BRIEFLY OFFER SOME STATISTICS AS THEY
RELATE TO THE APPLICATION OF THE DEATH PENALTY. I AM NOT AN ATTORNEY
BY TRAINING. I AM, HOWEVER, SOMEONE WHO'S VERY INTERESTED IN POLICY
INCLUSION, EQUITY, AS IN TERMS OF POLICY DEVELOPMENT AND IN TERMS OF
HOW OUR LAWS ARE PRACTICED. LADIES AND GENTLEMEN, THAT IS CERTAINLY
NOT THE CASE IN THE CASE OF THE DEATH PENALTY. THE DEATH PENALTY IS
QUITE SIMPLY RACIALLY BIASED. SINCE 1977, THE OVERWHELMING MAJORITY
OF DEATH ROW DEFENDANTS, THAT'S 77 PERCENT OF THEM, HAVE BEEN
EXECUTED FOR KILLING WHITE VICTIMS EVEN THOUGH AFRICAN-AMERICANS
MAKE UP ABOUT HALF OF ALL HOMICIDE VICTIMS. I REPRESENT A DISTRICT
ALSO IN THE STATE, AS EACH OF YOU DO, LEGISLATIVE DISTRICT 13. AND I
KNOW MOST OF YOU MIGHT...PROBABLY DON'T HAVE ACCESS TO...REGULAR
ACCESS TO ELECTRONIC NETWORK NEWS OUTLETS OR NEWSPAPERS ABOUT
OMAHA. I'M CERTAINLY NOT BRAGGING ABOUT IT, BUT HERE'S SOMETHING ELSE
I CAN TELL YOU ABOUT THE DEATH PENALTY. IT IS NOT A DETERRENT TO
VIOLENT CRIME IN THE STATE OF NEBRASKA. WHEN I GET REPORTS, EITHER
DIRECT REPORTS OF LEARN ABOUT DEATHS AND SHOOTINGS AND VIOLENCE
WITHIN MY DISTRICT, THE DEATH PENALTY HAS BEEN ON THE BOOKS THE
WHOLE TIME. IT IS NOT A DETERRENT TO CRIME. AND FINALLY, I'D LIKE A
WORD...WE'VE HAD A REFERENCE TO OUR SPIRITUAL BACKGROUNDS AND HOW
WE APPLY THEM IN OUR POLICYMAKING, I WOULD ALSO RISE IN SUPPORT OF
LB268, ITS ADVANCEMENT, BECAUSE IT IS NOT OUR ROLE AS HUMANS TO BE THE
DELIVERERS OF VENGEANCE. AND IF YOU WERE TO TRULY, LET'S SAY, IDEALLY
IDENTIFY A PERSON WHO HAS AFFECTED YOUR FAMILY THROUGH MURDER OR
VIOLENCE, THE WAY OUR LAWS WORK AND THE WAY OUR CIVIL SOCIETY
WORKS, YOU WOULD NOT BE ABLE TO DELIVER THAT, WHAT YOU WOULD
DETERMINE TO BE JUSTICE, WITHOUT DUE PROCESS. COLLEAGUES, SHOULD
ANGER BE THE BASIS OF PUBLIC POLICY IN A PUBLIC POLICY? IN MY VIEW, IT
SHOULD NOT. WITH THAT, I WOULD YIELD THE BALANCE OF MY TIME TO THE
CHAIR. THANK YOU. [LB268]

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SENATOR WATERMEIER: THANK YOU, SENATOR COOK. THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR CRAIGHEAD, SENATOR KOLOWSKI, SENATOR KRIST, SENATOR HUGHES, AND OTHERS. SENATOR CRAIGHEAD, YOU'RE RECOGNIZED. [LB268]

SENATOR CRAIGHEAD: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. THERE WAS A 2014 GALLUP POLL THAT SAID 63 PERCENT OF NEBRASKANS ARE IN FAVOR OF THE DEATH PENALTY, 33 PERCENT ARE OPPOSED, AND 4 PERCENT HAVE NO OPINION. I AM OPPOSED TO THE REPEAL OF THE DEATH PENALTY FOR MORAL AND SOCIETAL REASONS. I WOULD LIKE TO READ A LITTLE BIT MORE FROM ONE OF THE ACCOUNTS OF A VICTIM WHO IS UNABLE TO DO SO. AND THIS KIND OF GOES BACK TO WHERE SENATOR SCHNOOR LEFT OFF. THIS IS FROM THE BOOK EVIL HARVEST WRITTEN BY ROD COLVIN ON THE MURDERS IN RULO, NEBRASKA. ROD COLVIN IS A FRIEND A FRIEND OF MINE, AND HE ALSO IS THE PUBLISHER OF MY BOOK. ACCORDING TO THE 1999 BOOK, EVIL HARVEST BY ROD COLVIN, MICHAEL RYAN, WHO CURRENTLY SITS ON DEATH ROW, WAS AN UNEMPLOYED TRUCK DRIVER WHO SET UP A COMMUNE IN RICHARDSON COUNTY, NEBRASKA, NEAR RULO. HE POSTED A LARGE "KEEP OUT" SIGN ON THE GATE. GUN FIRE WAS REPORTED TO AUTHORITIES, AND MEN ARMED WITH AK-47 AUTOMATIC WEAPONS PATROLLED THE FENCE LINE. HE ORDERED SOME OF THE MEN TO STEAL FARM MACHINERY AND OTHER GOODS TO SELL FOR SUPPLIES. THE FARM OWNER, RICK STICE, RAN AWAY. WHEN HE RETURNED, RYAN HAD HIM CHAINED TO THE PORCH AND BEAT HIM OR HAD OTHERS BEAT HIM. RYAN ALSO TOOK OUT HIS ANGER ON STICE'S SON, 5-YEAR-OLD LUKE, WHO DARED TO DEFY THE CULT LEADER. RYAN FORCED THE BOY'S FATHER TO SEXUALLY ABUSE HIM. ACCORDING TO WITNESSES, RYAN VIOLENTLY SLAMMED THE BOY INTO A PIECE OF FURNITURE, KNOCKING HIM UNCONSCIOUS. IT DID NOT KILL HIM IMMEDIATELY, COLVIN WROTE, AND RYAN INSTRUCTED HIM TO PUT HIM IN A BED AND PRAY FOR HIM. NO ONE CALLED THE DOCTOR. THE BOY'S NECK WAS BROKEN AND HE DIED. HE WAS BURIED ON THE FARM PROPERTY. HIS BODY WAS EXHUMED AND PROPERLY BURIED LATER. A FEW WEEKS LATER, RYAN TURNED HIS ANGER ON ANOTHER RESIDENT OF THE FARM WHOM HE ACCUSED OF BEING A NONBELIEVER. THE CULT LEADER ORDERED THREE OF THE MEN, INCLUDING RYAN'S OWN TEENAGE SON, TO ADMINISTER BEATINGS TO 26-YEAR-OLD JAMES THIMM. IN THE ORIGINAL NEBRASKA COURT RULING UPHOLDING RYAN'S DEATH SENTENCE, THE COURT SUMMARIZED THESE EVENTS AND THIS IS UGLY. THIMM WAS TAKEN TO A HOG CONFINEMENT BUILDING WHERE OVER A PERIOD OF TWO DAYS THE MEN TOOK TURNS SEXUALLY ASSAULTING WITH A SHOVEL HANDLE UNTIL HIS BOWEL RUPTURED, WHIPPING THIMM ON THE BACK AND ABDOMEN AND SHOOTING OFF

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THE FINGERTIPS OF THIMM'S LEFT HAND. THIMM WAS CHAINED OR TIED WITH BALING WIRE DURING MUCH OF THE TIME. MICHAEL RYAN ALSO BROKE THIMM'S ARM, PERMITTED DENNIS RYAN TO BREAK THIMM'S LEFT LEG AND DIRECTED TIMOTHY HAVERKAMP TO BREAK THIMM'S RIGHT LEG. MICHAEL RYAN THEN DEMONSTRATED TO TIMOTHY HAVERKAMP AND DENNIS RYAN HOW TO SKIN A HUMAN BEING BY USING A RAZOR BLADE AND A PAIR OF PLIERS TO SKIN PART OF THIMM'S LEG. ULTIMATELY, MICHAEL RYAN STOMPED ON THIMM'S CHEST, BREAKING SEVERAL OF HIS RIBS AND THIMM DIED ON APRIL 29, 1985. THIMM'S BODY WAS PLACED INSIDE A SLEEPING BAG AND BURIED IN AN UNMARKED GRAVE ON THE FARM. MICHAEL RYAN PLEADED NO CONTEST TO THE MURDER OF LUKE STICE. A JURY FOUND HIM GUILTY FOR THE MURDER OF JAMES THIMM. RYAN TOLD AUTHOR ROD COLVIN: PEOPLE SAY TWO PEOPLE DIED OUT THERE. WELL, BIG DEAL. GO BACK TO THE OLD TESTAMENT. MOSES WIPED OUT A WHOLE FAMILY, BABIES AND ALL. NOW THAT'S A PRETTY HARD WAY TO GO. BUT HE GOT RID OF ALL OF THEM. [LB268]

SENATOR WATERMEIER: ONE MINUTE. [LB268]

SENATOR CRAIGHEAD: THANK YOU. POLICE RAIDED THE FARM ON JUNE 25, 1985, FINDING ILLEGAL WEAPONS AND AMMUNITION, ALSO STOLEN PROPERTY. THE BODIES WERE UNEARTHED IN AUGUST 1985. RYAN WAS CONVICTED OF SECOND-DEGREE MURDER FOR LUKE'S DEATH AND FIRST-DEGREE MURDER FOR THIMM. HE RECEIVED THE DEATH PENALTY ON OCTOBER 16, 1986, AND IS STILL ON NEBRASKA'S DEATH ROW. COLLEAGUES, PLEASE DO NOT SUPPORT THE REPEAL OF THE DEATH PENALTY. [LB268]

SENATOR WATERMEIER: THANK YOU, SENATOR CRAIGHEAD. SENATOR KOLOWSKI, YOU ARE RECOGNIZED. [LB268]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I STAND IN SUPPORT OF THE LB268 WE HAVE BEFORE US AND ALSO THE AMENDMENT ATTACHED TO THAT. WE'VE HAD COMMENTS THIS MORNING CONCERNING THE FORENSIC APPROACH TO THE LAW AND THE APPLICATION OF THE SCIENCE TO THE INNOCENCE PROJECT AND OTHER PROJECTS THAT HAVE HAD GREAT IMPACT UPON SOME OF THE COURT CASES DECIDING DIRECTIONS ON THE GUILT OR INNOCENCE FOR MANY INDIVIDUALS. PART OF WHAT I WANT TO READ THIS MORNING IS TO PUT THIS INTO THE RECORD THE NEED FOR STRONG FORENSIC SCIENCE IN CASES SUCH AS THE ONES WE'RE HEARING THIS MORNING OR HAVE BEEN RELATED TO THE

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INNOCENCE PROJECTS AND OTHERS THAT HAVE EXISTED IN OUR STATE AND IN OUR COUNTRY AT MANY TIMES. EVIDENCE STORAGE WAREHOUSES TEND TO BE DUSTY, MUSTY, CAVERNOUS ENCLOSURES. SHELVING STRETCHES TO THE CEILINGS. ON THOSE SHELVES SIT BROWN PAPER BAGS AND BOXES COVERED IN HANDWRITING, EDGES SEALED WITH LAYER UPON LAYER OF SECURITY TAPE AFFIXED WITH BIOHAZARD AND BARCODE LABELS. THE EVIDENCE SITS UNCARING ABOUT THE DAY IT WAS TAKEN OFF THE SHELF, SENT TO A FORENSICS LABORATORY, OPENED, AND EXAMINED. FOR MANY PIECES OF EVIDENCE, THAT DAY HAS YET TO ARRIVE. AND IN TRUTH, THAT DAY MAY NEVER COME. THE RELATED CASES WILL MOVE FORWARD IN THE INVESTIGATIVE AND JUDICIAL PROCESS, VICTIMS, IF ALIVE, WILL TESTIFY. DEFENDANTS WILL TAKE PLEAS OR MOVE TO A TRIAL TO BE JUDGED BY A JURY OF THEIR PEERS. AND FOR MANY CASES, PHYSICAL EVIDENCE SITS UNTESTED AND REMAINS SILENT. SINCE THE EARLY 1900s, HOWEVER, FORENSICS DNA ANALYSIS HAS REPEATEDLY DEMONSTRATED THE ABILITY TO TAKE THIS SILENT EVIDENCE AND REVEAL TRUTH. SOMETIMES THAT TRUTH REINFORCES THE ORIGINAL FINDINGS OF THE CASE AND LENDS ADDITIONAL WEIGHT TO THE JUSTICE OF A GUILTY VERDICT. OTHER TIMES, IT SPEAKS A DIFFERENT TRUTH, A TRUTH IN WHICH THE SUBJECTIVITY OF EYEWITNESS ACCOUNTS, INVESTIGATORY BIASES AND JURY PREFERENCES ARE NULLIFIED, THE TRUTH IN WHICH THE INNOCENT CAN BE SET FREE. FORENSIC SCIENCE IS CLASSICALLY DEFINED AS THE APPLICATION OF THE SCIENTIFIC METHOD TO MATTERS OF THE LAW. TO THE LAYPERSON, FORENSICS CAN SIMPLY BE THOUGHT OF AS THE PROCESS OF MATCHING PEOPLE, PLACES, AND THINGS USING MODERN SCIENCE. THE GOAL OF FORENSICS IS TWOFOLD: IDENTIFICATION AND INDIVIDUALIZATION. WHAT IS THIS THING PRESENTED AS EVIDENCE? AND IS THERE ANY WAY TO PROVE THE UNIQUENESS OF THIS THING APART FROM ALL OTHER THINGS LIKE IT? CLASSIC FORENSICS TECHNIQUES SUCH AS THE FINGERPRINT ANALYSIS AND FIREARM AND TOOL MARK EXAMINATION HAVE ALWAYS BEEN VERY GOOD AT ACCOMPLISHING THESE DUAL GOALS OF THE FORENSIC PROCESS. BUT THE RESULTS OF THESE PATTERNED ANALYSIS METHODS HAVE ALWAYS DEPENDED UPON THE EXPERIENCE AND EXPERTISE OF LATENT PRINT EXAMINER OR FIREARMS ANALYSIS. UNLIKE THE DRAMATIC POLARIZATION OF FORENSICS OF MOVIES AND TV, THERE IS NEVER A MATCH IN THESE FIELDS. [LB268]

SENATOR WATERMEIER: ONE MINUTE. [LB268]

SENATOR KOLOWSKI: AT BEST...THANK YOU. AT BEST, AN EVIDENTIARY ITEM CANNOT BE EXCLUDED AS HAVING ORIGINATED FROM THE SOURCE, BE THAT A

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FINGER OR FIREARM ORIGINATING FROM SOMEONE INVOLVED IN THE CASE. FOR OVER A HUNDRED YEARS, THESE PATTERNS RECOGNITION ASPECTS OF FORENSICS HAVE PROVIDED SCIENTIFIC ANSWERS FOR CRIMINAL INVESTIGATORS AND HAVE YIELDED FAMOUS RESULTS WITHIN THE LIMITS OF THE PRESENT SCIENCE. THESE LIMITS, HOWEVER, ARE TRUE BOUNDARIES OF THE ABILITY OF THE SCIENCE. TO GO BEYOND THEM WHEN PRESSED BY JUDGES, JURIES, ATTORNEYS, AND THE GENERAL PUBLIC RISKS THE CREDIBILITY OF THE EXPERT. WHAT ARE THE ODDS THAT THE FINGERPRINT BELONGED TO ANOTHER INDIVIDUAL? WHAT IS THE STATISTICAL LIKELIHOOD OF A SHELL CASING BEING IMPRESSED BY A SIMILAR FIREARM BY THE SAME PRODUCTION LINE? THESE QUESTIONS CROSS THE APPLICABLE BOUNDARY OF SCIENCE, AND WHEN UNANSWERED BY THE EXPERTS, RAISE DOUBTS AND CONCERNS WITHIN THE PUBLIC. [LB268]

SENATOR WATERMEIER: TIME, SENATOR. [LB268]

SENATOR KOLOWSKI: THANK YOU. [LB268]

SENATOR WATERMEIER: THANK YOU, SENATOR KOLOWSKI. SENATOR KRIST, YOU ARE RECOGNIZED. [LB268]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. I YIELD MY TIME TO SENATOR KOLOWSKI SO HE CAN FINISH. [LB268]

SENATOR WATERMEIER: SENATOR KOLOWSKI, YOU'RE YIELDED FIVE MINUTES. [LB268]

SENATOR KOLOWSKI: THANK YOU, SENATOR KRIST. FORENSIC DNA ANALYSIS WAS THE FIRST TO BREAK THROUGH THE BARRIER OF THE LIMITATIONS OF THE EXPERT. UNLIKE THE MULTITUDE OF FINGERPRINT AND FIREARMS THAT HAVE EXISTED, THE GENETICS OF THE POPULATION OF INDIVIDUALS IS FINITE AND WITHIN SCIENTIFIC REASON, INCREDIBLY WELL UNDERSTOOD. TODAY, BASED ON POPULATION GENETIC STUDIES WE NOW... WE KNOW THE PREVALENCE OF DIFFERENT DNA TYPES OF NEARLY EVERY SUBPOPULATION ON THE FACE OF THE PLANET. FROM THE GENERAL GENETICS SEEN WITHIN INDIVIDUALS OF WESTERN EUROPEAN DESCENT, TO THE SPECIFIC GENETIC TRAITS OF ISOLATED TRIBES IN THE POLYNESIAN ISLANDS, THE GENETIC DIVERSITY OF THE HUMAN RACE HAS BEEN CATALOGED. THIS IS AN EXTREMELY IMPORTANT SET OF STANDARDS THAT HAVE BEEN ESTABLISHED. DESPITE THE GOLD-STANDARD

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STATUS, FORENSIC TESTING, INCLUDING DNA TESTING, IS UNDER ATTACK AND FACING UNPRECEDENTED SCRUTINY. ACROSS THE COUNTRY, EVIDENCE IS PILING UP CREATING UNTOLD BACKLOGS FOR FORENSIC LABORATORIES THAT ARE UNDERSTAFFED, UNDERFUNDED, AND UNABLE TO MEET THE DEMANDS OF THE CLIENTELE SEEKING ANSWERS TO THESE QUESTIONS. AT BEST, BACKLOGS ARE SIMPLY RESULTING IN EVIDENCE NOT BEING TESTED FOR SEVERAL MONTHS IF NOT YEARS AFTER A CRIME CAUSING UNTOLD DELAYS IN THE JUDICIAL PROCESS. AT WORST, ANALYSIS UNDER PRESSURE TO WHITTLE DOWN THESE BACKLOGS HAVE CUT CORNERS, SACRIFICED QUALITY, AND IN SOME UNFORTUNATE WELL-PUBLICIZED INSTANCES INCLUDING SOME IN OUR OWN STATE, HAVE FALSIFIED RESULTS AND PUBLISHED REPORTS OF TESTING THAT NEVER HAD EVEN OCCURRED. WHILE SOME OF THESE REGRETTABLE ACTIONS HAVE OCCURRED IN THE FORENSIC FIELDS OF DOCUMENT EXAMINATION AND DRUG TESTING, THE FORENSIC DNA FIELD HAS NOT BEEN IMMUNE EITHER, WITH THE UNETHICAL ACTIONS OF A FEW REVERBERATING THROUGHOUT THE ENTIRE FORENSIC COMMUNITY. THE LABORATORIES...ALL THE WHILE EVIDENCE REMAINS UNTESTED, IT IS NOT ENOUGH SIMPLY TO PROVIDE MORE MONEY, MORE STAFF, MORE RESOURCES, MORE INFRASTRUCTURE. THE ENTIRE SYSTEM NEEDS TO CHANGE. THERE'S BEEN NATIONAL REPORTS THAT HAVE STATED FOREMOST THAT FORENSIC SCIENCE LABORATORIES HAVE AND NEED AND MUST BE INDEPENDENT FROM LAW ENFORCEMENT. SECONDLY, FORENSIC LABORATORIES SHOULD BE INDEPENDENTLY ACCREDITED. THIRDLY, ANALYSIS MUST BE CERTIFIED...ANALYSTS MUST BE CERTIFIED TO BE FORENSIC SCIENTISTS. IF ACCREDITATION PROMOTES BEST PRACTICES FOR A LABORATORY, CERTIFICATION PROMOTES THE SAME FOR INDIVIDUAL ANALYSIS. DOCTORS ARE CERTIFIED TO PRACTICE MEDICINE AND ARE RESPONSIBLE FOR THE LIVES OF THEIR PATIENTS. FORENSIC SCIENTISTS TRANSLATE THE FINDINGS OF THE SCIENTIFIC TESTING OF PHYSICAL EVIDENCE INTO REPORTS THAT HAVE THE POTENTIAL TO IMPLICATE OR EXONERATE A PERSON, PERHAPS THAT PERSON'S VERY LIFE. AND TO DATE, FORENSIC SCIENTISTS IN A MAJORITY OF THE LABORATORIES REMAIN UNCERTIFIED. I HOPE WE'LL EXAMINE THE STANDARDS WITHIN OUR OWN STATE, FOR THE STATE LEVELS AND CITY LEVELS OF FORENSICS TESTING AND MATCH OURSELVES WITH THE DIRECTIONS AND THE POLICIES THAT SET PERFECT STANDARDS, EXCELLENT STANDARDS THAT WILL GIVE US THE EVIDENCE THAT WE NEED IN CASES IN OUR OWN FUTURE. I HOPE THIS WILL BE SOMETHING THAT WE'LL TAKE SERIOUSLY AND MOVE ON IN OUR FUTURE TIME TOGETHER. THANK YOU VERY MUCH. [LB268]

SENATOR WATERMEIER: THANK YOU, SENATOR KOLOWSKI AND SENATOR KRIST. (VISITORS INTRODUCED.) SENATOR HUGHES, YOU ARE RECOGNIZED. [LB268]

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SENATOR HUGHES: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. THIS IS THE DAY THAT I'VE DREADED THE MOST OF BEING A STATE LEGISLATOR. THIS IS A VERY SERIOUS ISSUE WE'RE TALKING ABOUT TODAY. I AM OPPOSED TO LB286 (SIC). I AM IN FAVOR OF RETAINING THE DEATH PENALTY. I CERTAINLY RESPECT ALL OF MY COLLEAGUES' OPINIONS ON THIS MATTER. I'D LIKE...COLBY, I WAS IN LINCOLN THE NIGHT OF THAT EXECUTION. I DID NOT ATTEND THE EVENTS AT THE PENITENTIARY, BUT I DO REMEMBER THAT. THAT'S THE ONE THING THAT ALL OF US BRING TO THIS BODY IS OUR LIFE EXPERIENCES. FOR THOSE OF US IN RURAL NEBRASKA, MURDERS ARE JUST AS REAL AS THEY ARE IN THE CITIES OF NEBRASKA. I CAN THINK OF THREE INSTANCES WHERE MURDERS HAD OCCURRED IN MY AREA. AND ONE OF THOSE WAS RECENTLY WHEN MY CHILDREN WERE IN HIGH SCHOOL. I CHECKED THE HOUSE BEFORE I LET THEM COME IN TO MAKE SURE THAT THERE WAS NO ONE HIDING THERE. THAT DOES LEAVE AN IMPACT ON YOU. THIS IS A VERY SERIOUS MATTER, AND I TAKE THIS DECISION VERY SERIOUSLY. A FEW OF THE THINGS THAT I WANT TO ADDRESS: DURING THE COMMITTEE HEARING, THERE WAS ONLY ONE OPPONENT. WHICH OF US WOULD WANT TO GO TO THAT COMMITTEE AND FACE SENATOR CHAMBERS AS AN OPPONENT ON THIS ISSUE? HE HAS BEEN VERY STAUNCH IN HIS OPPOSITION, AND I RESPECT THAT. HE'S GOT A CONVICTION. BUT HE ALSO HAS A REPUTATION IF YOU OPPOSE HIM. THE DNA TECHNOLOGY IS IMPROVING. WILL IT BE PERFECT? NEVER. ARE WE AS HUMANS PERFECT? NEVER. BUT IT IS IMPROVING. AND I APPRECIATE THE FACT OF ALL OF THE INDIVIDUALS WHO HAVE BEEN CLEARED USING THAT TECHNOLOGY. BUT THAT TECHNOLOGY IS IMPROVING, AND IT'S PROVIDING US THE TOOLS TO MAKE SURE THAT WE DON'T MAKE THOSE MISTAKES. WE NEED TO RELY ON THE TOOLS WE HAVE AT THE TIME AND MAKE THE BEST DECISIONS WE CAN AT THE TIME WITH THE FACTS THAT WE HAVE. THIS SHOULD NOT BE AN EMOTIONAL DECISION FOR US, ALTHOUGH IT IS. WE NEED TO MAKE THE BEST DECISION WE CAN BASED ON THE FACTS AND OUR LIFE EXPERIENCES. I DO BELIEVE THE DEATH PENALTY DOES PROVIDE A DETERRENT. THERE IS REALLY NO WAY OF KNOWING OF SOMEONE WHO'S COMMITTING A CRIME IF IN THE BACK OF THEIR MINDS THEY DIDN'T PULL THE TRIGGER IN AN ARMED ROBBERY BECAUSE THEY KNEW THE DEATH PENALTY WAS OUT THERE. INTERVIEWING THEM AFTER THE FACT, THEY CAN TELL YOU ANYTHING. BUT IN THE HEAT OF THE MOMENT, THERE'S NO WAY TO KNOW IF THERE WAS SOMETHING IN THE BACK OF THEIR MINDS THAT SAID, DON'T PULL THE TRIGGER, DON'T PULL THE TRIGGER, OR, YOU KNOW, USE THE SCREWDRIVER TO STAB SOMEBODY, WHATEVER THE WEAPON OF CHOICE WAS. COLLEAGUES, WE'RE NOT GOING TO BE DONE WITH THIS TODAY. WE'RE GOING TO HAVE ALL WEEKEND TO THINK ABOUT IT. IF YOU HAVEN'T GOT YOUR MIND MADE UP, IT'S GOING TO BE A LONG WEEKEND. IF YOU DO HAVE YOUR MIND

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MADE UP, IT'S GOING TO BE A LONG WEEKEND BECAUSE THIS IS LIFE AND DEATH. THIS IS WHY OUR VOTERS SEND US HERE, TO MAKE THIS DECISION FOR THEM. WE CAN LOOK A LOT OF POLLING. YOU CAN PULL FACTS FROM EVERY SIDE... [LB268]

SENATOR WATERMEIER: ONE MINUTE. [LB268]

SENATOR HUGHES: ...AND COME UP WITH AN OPINION. BUT DEEP DOWN IN YOUR SOUL, YOU'VE GOT TO MAKE THE DECISION. I'LL SEE YOU ON MONDAY. [LB268]

SENATOR WATERMEIER: THANK YOU, SENATOR HUGHES. THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR DAVIS, SENATOR RIEPE, SENATOR SCHNOOR, SENATOR GROENE, AND OTHERS. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB268]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I STOOD ON THE FLOOR TWO YEARS AGO IN SUPPORT OF REPEAL OF THE DEATH PENALTY AND I'M TAKING THE SAME POSITION TODAY. I'LL PROBABLY REITERATE SOME OF THE SAME POINTS I MADE A FEW YEARS AGO, MAYBE ADD A FEW POINTS. SEVERAL YEARS AGO, A COUPLE WAS MURDERED IN COLD BLOOD IN MURDOCK, NEBRASKA. SUSPICION DEVELOPED AROUND THEIR NEPHEW WHO HAD BEEN AT THEIR HOME FOR DINNER SHORTLY BEFORE THE MURDER TOOK PLACE. AN INDIVIDUAL WAS BROUGHT IN AND QUESTIONED EXTENSIVELY, ULTIMATELY CONFESSED TO THE MURDER, AND INDICTED ANOTHER FRIEND WHO WAS ALSO BROUGHT IN AND ALSO CONFESSED TO THE MURDER. SOMETIME LATER AS THESE...THE CASE BEGAN TO UNRAVEL AGAINST THESE TWO MEN, EVIDENCE WAS PLANTED IN THE CAR BY A CRIMINAL INVESTIGATOR. SO WHAT'S IMPORTANT ABOUT THAT CASE? THE FACT IS THAT THOSE TWO YOUNG MEN WHO WERE INNOCENT, AND THE MURDER WAS CONVICTED...COMMITTED BY SOMEBODY ELSE FROM WISCONSIN. THE LINK TO THOSE MURDERS INVOLVED A RING THAT WAS FOUND AT THE SCENE THAT WAS TRACED BACK TO THE GIRLFRIEND OF THE MURDERER AND WITHOUT THAT RING, THOSE TWO MEN MIGHT BE ON DEATH ROW TODAY, TWO INNOCENT MEN. MANY YEARS AGO, A WOMAN WAS MURDERED IN BEATRICE. AND THIS CASE DIDN'T END UP GOING TO THE DEATH PENALTY, BUT IT ENDED UP GOING TO A FALSE CONVICTION. SIX PEOPLE WERE ARRESTED FOR THOSE CRIMES. MANY OF THOSE PEOPLE WERE LOW-FUNCTIONING ADULTS HAD NO KNOWLEDGE OF THE CRIMINAL JUSTICE SYSTEM OR HOW IT WORKED. THEY WERE SCARED, THEY CONFESSED, THEY INDICTED OTHER PEOPLE, AND THEY WERE CONVICTED. AND RECENTLY, THE STATE OF NEBRASKA IS MAKING RESTITUTION TO THOSE

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PEOPLE. SO WHAT HAPPENED TO THEM? THE PROSECUTORS THREATENED THEM WITH THE DEATH PENALTY IF THEY REFUSED TO COOPERATE AND CONFESS AND THEY GOT SCARED AND THEY DID WHAT THE PROSECUTORS WANTED THEM TO DO BECAUSE THAT'S THE NATURE OF A LOT OF FOLKS IN THE WORLD WHO DON'T HAVE THE INTELLIGENCE AND THE SKILLS THAT PEOPLE ON THE FLOOR HERE HAVE. THEY THINK THAT THE BOOKS ARE STACKED AGAINST THEM AND THEY'RE GOING TO HAVE TO DO IT, SO I'LL CONFESS, I JUST DON'T WANT TO DIE, THAT'S ALL, I DON'T WANT TO DIE. HAPPENED IN THE MURDOCK CASE, HAPPENED IN THE BEATRICE CASE. FOLKS, THAT SHOULD GIVE YOU SOME CONCERN. SO I'VE HEARD SENATOR KINTNER SAY THAT THE PEOPLE ON DEATH ROW HERE, THIS IS A...IT'S AN OPEN-AND-SHUT CASE. I'M NOT SURE THAT'S TRUE. I THINK TWO OF THOSE PEOPLE HAVE CLAIMS THAT THEY ARE INNOCENT STILL, AND THOSE CONVICTIONS ARE MAYBE GOING TO BE REVIEWED. SO WE DON'T KNOW. YOU KNOW, IF YOU GET INDICTED BY A FRIEND WHO IS GOING TO BE PUT AWAY FOR 50 YEARS FOR METH AND HE INDICTS YOU AND YOU GET CONVICTED, IS THAT RIGHT? THERE ARE A LOT OF PROBLEMS WITH THE SYSTEM WE HAVE, AND THE USE OF THE DEATH PENALTY AS A THREAT TO SECURE THAT CONVICTION IS NOT RIGHT AND IT'S ONE OF THE REASONS THAT I STAND OPPOSED HERE TO THE DEATH PENALTY. IN OKLAHOMA, JOYCE GILCHRIST WAS A CRIMINAL INVESTIGATOR WHO MANIPULATED EVIDENCE TO SECURE CONVICTIONS FOR PROSECUTORS IN THAT STATE. MANY INDIVIDUALS WERE FOUND GUILTY AND LOCKED AWAY THERE BASED ON GILCHRIST'S EVIDENCE. JOHN GRISHAM HAS WRITTEN ONE NONFICTION BOOK AND IT'S ABOUT A GILCHRIST CASE AND WAS THE CASE OF RON WILLIAMSON WHO WITH A FRIEND WAS CONVICTED OF MURDER IN ADA, OKLAHOMA, SERVED NINE YEARS ON DEATH ROW UNTIL HE WAS EXONERATED. SO ON TOP OF THE POTENTIAL FOR MISTAKES MADE WILLFULLY OR BY ACCIDENT, THERE ARE OTHER COMPELLING REASONS TO ELIMINATE THE DEATH PENALTY IN NEBRASKA. SMALL COUNTIES STAFFED BY SEASONED PROSECUTORS WILL PROBABLY BE THE LEAST LIKELY TO EVER IMPOSE THE DEATH PENALTY BECAUSE THEY KNOW THE RESOURCES REQUIRED TO CONVICT ARE SO DAUNTING AND SO COSTLY. OTHER COUNTIES WHO HAVE MULTIPLE PROSECUTORS ON STAFF MAY HAVE THE ABILITY TO DO THAT. THE SMALL COUNTIES DON'T HAVE THAT. [LB268]

SENATOR WATERMEIER: ONE MINUTE. [LB268]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. BLACK AND HISPANIC MEN ARE FAR MORE LIKELY TO BE CONVICTED AND SENTENCED TO DEATH THAN WHITE MEN. YOU HEARD SENATOR COOK MAKE REFERENCE TO THAT DATA EARLIER. AND THANK YOU, SENATOR COOK. WE ARE A FLAWED SOCIETY. IT'S THE NATURE

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OF MAN. EACH AND EVERY ONE OF US MAKES MISTAKES. THINGS FALL THROUGH THE CRACKS. WE FORGET. AND SOME OF US FABRICATE OCCASIONALLY AND SOME INTENTIONALLY. WHEN A LIFE IS IN DANGER, THESE MISTAKES MUST BE CONSIDERED AND CONSIDERED STRONGLY. IF A PARTICULAR MEDICINE KILLED 1 PERCENT OF THE POPULATION THAT WERE TAKING IT, THAT MEDICINE WOULD BE REMOVED FROM THE MARKET. BUT WE DON'T USE THAT SAME STANDARD WHEN WE TALK ABOUT THINGS LIKE THE DEATH PENALTY. WE'VE GOT PEOPLE ALL OVER THE COUNTRY WHO ARE THERE WHO ARE INNOCENT, MAYBE NOT A LOT BUT THEY'RE INNOCENT. THIS IS NOT THE WAY A CIVILIZED SOCIETY FUNCTIONS. FALSE CONVICTIONS, FALSE CONFESSIONS, THE USE OF THE DEATH PENALTY AS A THREAT, RACIAL IMBALANCE ARE SIGNIFICANT CONTRIBUTORS TO MY POSITION. I'M PRO-LIFE AND THAT PRO-LIFE CONVICTION WILL NEVER INCLUDE EXECUTION OF ANY INDIVIDUAL. [LB268]

SENATOR WATERMEIER: TIME, SENATOR. [LB268]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. [LB268]

SENATOR WATERMEIER: THANK YOU, SENATOR DAVIS. SENATOR RIEPE, YOU ARE RECOGNIZED. [LB268]

SENATOR RIEPE: THANK YOU, MR. PRESIDENT, MY FELLOW SENATORS, MY FELLOW NEBRASKANS. I STAND IN OPPOSITION OF LB268. CONFUSION APPEARS TO PREVAIL IN HOW ONE MIGHT BE AT THE SAME TIME PRO-LIFE AND PRO-DEATH. THE DIFFERENCE IS QUITE CLEAR TO ME. ON ONE HAND, WE HAVE PURE INNOCENCE, THE UNBORN, AND ON THE OTHER, PURE EVIL. THE DEFINITION OF INNOCENCE, AND THIS IS FROM THE DICTIONARY, SAYS, INNOCENT: FREE AND MORAL...FREE FROM MORAL WRONG, WITHOUT SIN, PURE, INNOCENT CHILDREN, VIRTUOUS, FAULTLESS, IMPECCABLE, SPOTLESS, IMMACULATE. IT GOES ON TO DESCRIBE EVIL AS SINFUL, DEPRAVED, VICIOUS, CORRUPT, VILE, WICKED, UNRIGHTEOUS, CORRUPT, OF THE DEVIL. I STAND IN SUPPORT OF THE INNOCENT (SIC-INNOCENCE) PROJECT AND THE EXPANDED AVAILABILITY OF THE DNA TESTING. I SIGNED ON AS A COSPONSOR OF SENATOR PANSING BROOKS'S EXPANDED DNA LEGISLATION AND VOTED FOR ITS SUPPORT. I HAVE NO INTEREST IN THE EXECUTION OF ONE INDIVIDUAL THAT IS INNOCENT. MY DEATH PENALTY STANCE IS RESERVED FOR THE MOST HEINOUS MURDERS, THE WORST OF THE WORSE. ON A SECOND TIME AT THE MIKE, I WILL TELL A STORY OF A BRUTAL MURDER, WITH ITS CONVICTED FELON NOW ON DEATH ROW, OF A

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YOUNG BOY FROM SCOTTSBLUFF, A THREE-YEAR-OLD BOY WHO WAS MURDERED AND SUBSEQUENTLY FED TO A DOG. WITH THAT, I WILL BE BACK. AND I WOULD LIKE TO YIELD ANY TIME THAT I MIGHT HAVE TO SENATOR McCOY. [LB268]

SENATOR WATERMEIER: SENATOR McCOY, YOU'RE YIELDED 3:00. [LB268]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR RIEPE. IN RESPONSE TO SOMETHING THAT SENATOR COOK SAID EARLIER, I WANTED TO MENTION TO THE BODY I HAVE A COPY OF THE STUDY. I'M HAPPY TO SHOW IT TO ANYBODY WHO WOULD LIKE TO SEE IT. RESEARCHERS FROM CLEMSON UNIVERSITY AND EMORY UNIVERSITY, THE STUDY CONCLUDED IN THEIR BELIEF THAT CAPITAL PUNISHMENT DOES HAVE A STRONG DETERRENT EFFECT AND EACH EXECUTION IN THE COUNTRY, IN THEIR JUDGMENT AND THEIR VIEWS OF THEIR STUDY, ON AVERAGE RESULTS IN 18 FEWER MURDERS. SO THERE IS ACADEMIC WHITE-PAPER RESEARCH TO SUBSTANTIATE WHAT I BELIEVE, THAT THE DEATH PENALTY DOES SERVE AS A STRONG DETERRENT. I THINK THIS IS A GOOD DISCUSSION THIS MORNING. IT'S A SOBER DISCUSSION, AS IT SHOULD BE. I THINK IT'S ALTOGETHER PROPER THAT WE TALK ABOUT THE SERIOUSNESS OF THE DEATH PENALTY AS A SANCTION AGAINST THE WORST OF THE WORST THAT COMMIT THE MOST HEINOUS CRIMES AGAINST NEBRASKANS. I THINK THE DEATH PENALTY IS APPROPRIATE FOR CERTAIN CRIMES. AND YOU'VE HEARD A FEW PEOPLE MENTION STATISTICS AND FORENSIC EVIDENCE FROM AROUND THE COUNTRY. BUT, MEMBERS, I WOULD REMIND YOU, AND I THINK THIS IS AN IMPORTANT DISTINCTION, THERE'S NO EVIDENCE, NO EVIDENCE OF BOTCHED EXECUTIONS IN NEBRASKA. AND I THINK THAT CERTAIN CRIMES WARRANT SPENDING. IT'S NECESSARY TO PROSECUTE FIRST-DEGREE MURDER CASES. AND I WOULD SUBMIT TO YOU THAT THE STATE OF NEBRASKA....AND I DON'T THINK YOU'VE HEARD SENATOR SEILER TALK ABOUT THIS, SENATOR CHAMBERS, SENATOR COASH, OR ANY OF THE OTHER PROPONENTS OF THIS LEGISLATION BUT, YET, WE'VE TALKED ABOUT THIS EVERY TIME THAT WE'VE DEALT WITH THE DEATH PENALTY IN THE PAST. IN OUR STATE, AND SENATOR SCHUMACHER WOULD KNOW AS ONE WHO HAS SERVED AS A COUNTY ATTORNEY AND A PROSECUTOR,... [LB268]

SENATOR WATERMEIER: ONE MINUTE. [LB268]

SENATOR McCOY: ...IF YOU LOOK IN OUR STATUTES--THANK YOU, MR. PRESIDENT--YOU WILL FIND THAT WE HAVE ENACTED IN THE PAST QUITE A BIT

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OF STATUTE IN THE AREA OF SUPER DUE PROCESS BECAUSE OF HAVING THE DEATH PENALTY. THIS LEGISLATION DOESN'T GET RID OF ANY OF THAT, UNLESS I'VE MISSED IT. THAT'S AN IMPORTANT COMPONENT OF THIS ISSUE. IT'S BEEN TALKED ABOUT EVERY TIME THAT WE'VE TALKED ABOUT A REPEAL OF THE DEATH PENALTY SINCE I'VE BEEN IN THE BODY. I THINK YOU'RE GOING TO HEAR, AS YOU'VE HEARD OTHER SENATORS TALK, ABOUT WHY THESE INDIVIDUALS THAT ARE ON DEATH ROW DESERVE TO BE THERE: HAVE BEEN TRIED IN THE COURT, CONVICTED, AND SENTENCED TO DIE AS JUSTICE FOR THEIR CRIMES. THANK YOU, MR. PRESIDENT. [LB268]

SENATOR WATERMEIER: THANK YOU, SENATOR McCOY AND RIEPE. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB268]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. THIS IS GOING TO GO ON FOR A LONG TIME BUT THERE'S THINGS THAT GOT TO BE SAID. AND THERE ARE SOME THINGS THAT YOU'RE GOING HEAR ONCE AGAIN THAT ARE NOT VERY PLEASANT. SENATOR DAVIS TALKED ABOUT THE BEATRICE SIX AND I THINK IT WAS THE ELMWOOD TWO AND I'M NOT FAMILIAR WITH THOSE THINGS BECAUSE I WASN'T AROUND WHEN THAT STUFF HAPPENED. BUT WE DO NEED TO NOTE THAT NONE OF THESE PEOPLE WERE ON DEATH ROW. SO WE'RE TALKING ABOUT DEATH ROW HERE. WE'RE TALKING ABOUT THE 11 PEOPLE. THAT'S IT. WE'RE NOT TALKING ABOUT EVERYBODY ELSE. WE'RE NOT TALKING ABOUT WHAT HAPPENED IN OKLAHOMA EITHER. THIS IS NEBRASKA SO THOSE ARE THE FACTS WE NEED TO STICK TO. WE TALKED ABOUT JUSTICE VERSUS VENGEANCE AND I AGREE 100 PERCENT WE DON'T NEED TO SEEK VENGEANCE. IT'S NOT OUR DUTY. IT IS OUR DUTY TO SEEK JUSTICE AND THE BIBLE TELLS US THAT. FROM THE BEGINNING IT TELLS US THAT. GENESIS 9:6 SAYS, WHOEVER SHEDS THE BLOOD OF MAN, BY MAN SHALL HIS BLOOD BE SHED FOR IN THE IMAGE OF GOD HAS GOD MADE MAN. SO THAT'S ONE AREA. ROMANS 13, FOR THE GOVERNING AUTHORITY IS GOD'S SERVANT TO DO YOU GOOD; BUT IF YOU DO WRONG, BE AFRAID, FOR HE DOES NOT BEAR THE SWORD FOR NOTHING; HE IS GOD'S SERVANT, AN AGENT OF WRATH FOR BRINGING PUNISHMENT ONTO THE WRONGDOER. SO WE'RE NOT SEEKING VENGEANCE ALTHOUGH IT DOES SEEM LIKE THAT AT TIMES. AND LIKE I SAID EARLIER, IF SOME...IF THAT HAPPENED TO A MEMBER OF MY FAMILY, THAT'S EXACTLY WHAT I WOULD WANT TO DO. WHETHER I'D DO IT OR NOT, I DON'T KNOW. SENATOR COASH TALKED ABOUT HIS SON WALKING ACROSS THE STREET AND, YOU KNOW, AND THE DIFFICULTY THAT WOULD BE TO CHANGE THAT...THAT...I GUESS THOUGHT HE HAD ABOUT NOT BEING HARMED, AND I CAN ONLY IMAGINE HOW HE WOULD FEEL. AND IF THAT WOULD...SOMETHING WOULD HAPPEN TO ANYBODY'S FAMILY IN HERE, I'D

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PROBABLY BE THE FIRST IN LINE TO HELP THEM TO SEEK VENGEANCE BECAUSE IT IS SO DEPLORABLE, THE THINGS THAT HAVE HAPPENED. AND THIS...THESE HAPPENED TO ADULTS, THEY'VE HAPPENED TO KIDS, AND WE'RE WILLING TO JUST LET THEM OFF. YEAH, THEY'RE GOING TO STAY IN PRISON FOREVER, BUT WE'VE TALKED ABOUT THAT THERE IS NO MONEY SAVED HERE BECAUSE OF THE...THERE'S MORE APPEALS FROM THE OTHER FOLKS THAT ARE NOT ON DEATH ROW THAN THE FOLKS THAT ARE ON DEATH ROW. THERE'S NO MONEY SAVED. WE ARE NOT SEEKING VENGEANCE. WE ARE SEEKING JUSTICE. IT'S THAT...THAT'S IT. FOR THOSE THAT ARE UNSURE AND UNCLEAR, I JUST ASK YOU OVER THE WEEKEND TO JUST PRAY, PRAY HARD ABOUT WHAT YOU'RE GOING TO DO, AND SEEK THE POWER OF THE HOLY SPIRIT AND SEEK GOD'S WORD TO SEE WHAT IT SAYS, WHAT THE TRUTH IS, BECAUSE THAT'S WHERE THE TRUTH IS. THAT'S WHAT WE HAVE TO USE FOR OUR BASELINE SO THAT'S WHAT I'M USING. I'M OPPOSED TO THIS. I WILL CONTINUE TO SPEAK OUT AGAINST IT AND I'LL DO THE BEST OF MY ABILITY TO CONVINCING OTHERS TO DO SO. BUT THIS IS NOT...THIS IS NOT VENGEANCE. IT'S JUSTICE. AND THAT'S HOW WE NEED TO LOOK AT IT. WE NEED TO SEEK JUSTICE FOR THE INNOCENT LIVES THAT COULDN'T SEEK IT FOR THEMSELVES. YOU KNOW, WE'VE TALKED A LOT OVER THE MONTHS ABOUT ACCOUNTABILITY. [LB268]

SENATOR WATERMEIER: ONE MINUTE. [LB268]

SENATOR SCHNOOR: SO I'M WILLING TO GO BACK AND TELL MY CONSTITUENTS THAT I'M WILLING TO HOLD THESE PEOPLE ACCOUNTABLE FOR THEIR ACTIONS. SO WHEN YOU'RE GOING TO THINK OF HOW YOU'RE GOING TO VOTE, THINK ABOUT THAT. ARE YOU WILLING TO HOLD THESE PEOPLE ACCOUNTABLE? AND YOU'RE WILLING TO SEEK JUSTICE? YOU KNOW, GOING...AND ONCE AGAIN, WHAT SENATOR COASH SAID ABOUT GOING TO THAT EXECUTION AND SEEING THAT, THAT...I GUESS PARTY THAT WOULD HAPPEN, THAT'S SAD. IT'S SAD THAT WE AS A SOCIETY DO THOSE KINDS OF THINGS, THAT WE CELEBRATE THAT BECAUSE THAT WOULD BE BAD TO WATCH. YOU KNOW, I AGREE WITH HIM 100 PERCENT. THAT PUTS A REALLY BAD PICTURE IN YOUR MIND OF WHAT IS HAPPENING AND I DON'T SUPPORT THAT AT ALL. BUT I DO SUPPORT JUSTICE. [LB268]

SENATOR WATERMEIER: TIME, SENATOR. [LB268]

SENATOR SCHNOOR: AND THAT'S WHAT WE HAVE TO LOOK AT. [LB268]

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SENATOR WATERMEIER: THANK YOU, SENATOR SCHNOOR. SENATOR GROENE, YOU ARE RECOGNIZED. [LB268]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I STAND IN OPPOSITION TO LB268. MY RATIONALE AND MY BELIEFS...AS ELECTED OFFICIALS OF A CIVILIZED SOCIETY, OUR DUTY IS TO PROTECT THAT SOCIETY FROM EVIL. WHEN I LOOK AT THOSE INDIVIDUALS ON DEATH ROW, I SEE EVIL. WHEN OUR NATIONAL GOVERNMENT SENDS OUR ARMED FORCES TO FOREIGN LANDS, THEY ARE EXPECTED TO USE DEATH AS A TOOL TO PROTECT CIVILIZED SOCIETY. WHEN WE ARM OUR POLICE FORCE, WE ENTRUST IN THEM THE ABILITY TO USE JUDGMENT, TO USE DEADLY FORCE, TO PROTECT CIVILIZED SOCIETY. WHEN WE ARM OUR...WHEN WE HAVE...WE HAVE LAWS THAT GIVE INDIVIDUAL CITIZENS THE RIGHT USE DEADLY FORCE TO PROTECT THEMSELVES FROM EVIL. THE DEATH PENALTY IS AN EXTENSION OF OUR RESPONSIBILITY TO PROTECT CIVILIZED SOCIETY AND PROTECT THE RIGHTS OF FREE CITIZENS TO FEEL PROTECTED AND SAFE AS THEY LIVE THEIR LIVES. THE TERM "FREEDOM OF CHOICE," WHEN WE'RE REFERRING TO MATTERS OF RIGHT TO LIFE, HAS A DIFFERENT MEANING TO ME. I BELIEVE AN UNBORN CHILD SHOULD HAVE A CHOICE TO LIVE. HE SHOULD CHOOSE OR SHE SHOULD CHOOSE THAT CHOICE. I BELIEVE THAT AN INDIVIDUAL, WHEN...WHO KNOWS THAT A CRIME THEY PLAN TO COMMIT HOLDS FOR THEM THE CHOICE OF DEATH FOR THEMSELVES, THESE EVIL INDIVIDUALS CHOOSE DEATH AT THE HANDS OF A CIVILIZED SOCIETY. THE CHOICE OF DEATH FOR THEIR ACTIONS BEARS NO BURDEN TO MY CHRISTIAN CONSCIENCE. I'VE STATED IN AN EARLIER DEBATE THAT VENGEANCE IS EXPENSIVE. WHEN REFERRING TO PUNISHMENT FOR CRIMES OF PROPERTY AND PERSONAL ASSAULT. IN THOSE CASES, REHABILITATION IS MERITED. BUT EVIL IS BLINDED TO TRUTH. IT CANNOT BE REHABILITATED. I DO NOT BELIEVE THAT THE DEATH PENALTY'S PURPOSE IS VENGEANCE. IT INSTEAD IS A PROPER PUNISHMENT TO PROTECT SOCIETY FROM EVIL. WE MUST SEND A STRONG MESSAGE TO EVIL THAT IF YOU INTEND TO "PREMEDITATELY" PLAN TO KILL THE INNOCENT, THAT THE CITIZENS OF NEBRASKA WILL NOT TOLERATE THAT EVIL. IT IS A DETERRENT. THE LEGISLATURE TODAY SHOULD NOT BE DEBATING LB268 BUT INSTEAD DEBATING LEGISLATION TO ASSURE THAT THOSE ON DEATH ROW HAVE THEIR CONSTITUTIONAL RIGHT TO A SPEEDY TRIAL AND THE REWARDS THEY'VE CHOSE TO RECEIVE, THE PUNISHMENT OF DEATH, THE JUST REWARDS OF THEIR SELFISH ACTIONS. AS MUCH AS WE WOULD LIKE EVIL TO STAY IN THE DARK, IT DOES NOT. WHEN IT REARS ITS UGLY HEAD, WE AS ELECTED OFFICIALS HAVE A DUTY: TO PROTECT CIVILIZED SOCIETY. NO ON LB268 IS THE CORRECT DECISION. THANK YOU, MR. PRESIDENT. [LB268]

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SENATOR WATERMEIER: THANK YOU, SENATOR GROENE. (VISITORS INTRODUCED.) THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR McCOY, SENATOR KINTNER, SENATOR BRASCH, SENATOR SCHEER, AND OTHERS. SENATOR McCOY, YOU ARE RECOGNIZED. [LB268]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I'D LIKE TO REMIND THE BODY, I DON'T BELIEVE IT'S BEEN MENTIONED YET THIS MORNING, THIS IS NOT AN ISSUE THAT WE WRESTLE WITH ALONE IN NEBRASKA. UNLESS MY COUNT IS WRONG, 32 STATES STILL, IN THIS GREAT UNION THAT WE LOVE, OUR NATION, HAVE THE DEATH PENALTY. ADD...IN ADDITION TO THAT IS THE UNITED STATES MILITARY AND THE U.S. GOVERNMENT. I WANT TO REPEAT THAT: 32 STATES STILL HAVE THE DEATH PENALTY AS THE ULTIMATE PUNISHMENT FOR CRIMES COMMITTED AGAINST THEIR CITIZENS. I WANT TO TALK AT THIS TIME ON THE MICROPHONE ABOUT, WHICH ALSO HASN'T BEEN MENTIONED THIS MORNING, THE LEGAL SIDE OF THIS EQUATION. YOU KNOW, ONE OF THE BENEFITS OF HAVING VERY STRONG ATTORNEYS IN THIS BODY IN THE PAST DEBATING THIS ISSUE--AND WHEN I SAY THAT, I MEAN SENATORS LAUTENBAUGH, SENATORS FLOOD, AND OTHERS, SENATORS WHITE, LATHROP, AND OTHERS--WAS THAT THEY HAD A FULL LENGTH AND BREADTH OF AN UNDERSTANDING AND KNOWLEDGE OF THE SUPREME COURT CASES REGARDING THE DEATH PENALTY. I'M GOING TO HIGHLIGHT ONE THAT HAS SERVED TO GUIDE NOT JUST NEBRASKA ON THIS ISSUE BUT EVERY STATE IN THE COUNTRY, BECAUSE IF YOU GO BACK AND LOOK, MEMBERS, AND I KNOW MANY OF YOU PROBABLY HAVE, THERE WAS A PERIOD OF TIME IN THE 1970s WHEN THE DEATH PENALTY WAS NOT USED. IT HAD EFFECTIVELY BEEN DEEMED UNCONSTITUTIONAL BY THE SUPREME COURT. AND THEN IN 1976, GREGG v. GEORGIA, IN A LANDMARK SUPREME COURT DECISION, A PLURALITY, A MAJORITY OF THE COURT FOUND THAT THE DEATH PENALTY WAS NOT A VIOLATION OF THE EIGHTH AMENDMENT'S PROHIBITION AGAINST CRUEL AND UNUSUAL PUNISHMENT. AND I'M GOING TO READ A QUOTE FROM THE COURT FROM THE MAJORITY OPINION ON THAT CASE THAT HAS GUIDED THIS ISSUE EVER SINCE ACROSS THE COUNTRY. THE PLURALITY, THEREFORE, CONCLUDED THAT, QUOTE, THE INFLECTION OF DEATH AS A PUNISHMENT FOR MURDER IS NOT WITHOUT JUSTIFICATION AND, THUS, IS NOT UNCONSTITUTIONALLY SEVERE, END QUOTE. I THINK THIS IS VERY IMPORTANT TO NOTE THAT THE HIGHEST LAW IN THE LAND, OUR UNITED STATES SUPREME COURT, HAS SPOKEN ON THIS ISSUE A NUMBER OF TIMES BUT MOST NOTABLY IN THIS CASE. YOU KNOW, IT STRIKES ME THAT THIS ISSUE IS ONE THAT PROBABLY REACQUAINTS ITSELF TO THE MAJORITY OF...TO MANY NEBRASKANS, CERTAINLY TO THIS LEGISLATURE FROM TIME TO TIME, NOT NECESSARILY BECAUSE OF SENATOR

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CHAMBERS, BUT BECAUSE THIS ISSUE HAS BEEN ONE THAT'S BEEN HOTLY CONTESTED FOR HUNDREDS, IF NOT THOUSANDS, OF YEARS IN SOCIETY, BUT IT'S ONE THAT'S VERY VISCERAL TO MANY OF US. WHO CAN REALLY SPEAK FOR THE VICTIMS OTHER THAN US? [LB268]

SENATOR WATERMEIER: ONE MINUTE. [LB268]

SENATOR McCOY: THE DEAD ASKED FOR JUSTICE. WHO SPEAKS FOR THEM? WE DO. NOT ONE INDIVIDUAL ON DEATH ROW IN NEBRASKA, MEMBERS, NOT ONE, CLAIMS TO BE INNOCENT. THIS IS AN IMPORTANT ISSUE, ONE THAT DESERVES DEBATE IF IT MEANS IT'S EVERY SESSION, BUT I'M AGAINST LB268. [LB268]

SENATOR WATERMEIER: THANK YOU, SENATOR McCOY. SENATOR KINTNER, YOU ARE RECOGNIZED. [LB268]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. YOU KNOW, I THANK GOD THAT HE'S GIVEN ME CLARITY ON THIS. I'VE NOT STRUGGLED WITH THIS ONE BIT. AND I...YOU KNOW, I...MY DISTRICT EXPECTS ME TO COME DOWN HERE AND SUPPORT THE DEATH PENALTY. THE STATE EXPECTS ME TO DO THAT. AND WE HAD THAT GALLUP SURVEY THAT SAID 63 PERCENT OF AMERICANS SUPPORT THE DEATH PENALTY AND I WOULD SUSPECT IT'S A LITTLE HIGHER IN OUR STATE. WE'RE USUALLY A LITTLE MORE CONSERVATIVE THAN AMERICA AT LARGE. IF YOU LOOK AT THIS LEGISLATURE, WE HAVE CONSISTENTLY TRIED TO GO AGAINST THE WILL OF THE PEOPLE. THE FIRST ONE THIS YEAR WAS MEDICAID EXPANSION. PEOPLE IN THIS STATE HAVE SPOKEN CLEARLY THAT THEY DO NOT WANT OBAMACARE, BUT THERE ARE PEOPLE HERE THAT ARE GOING TO FORCE IT ON THE PEOPLE IN NEBRASKA IF THEY LIKE IT OR NOT. THE PEOPLE IN NEBRASKA FIRMLY SUPPORT THE DEATH PENALTY. THAT'S NOT EVEN DEBATABLE. BUT THERE ARE PEOPLE IN THIS LEGISLATURE THAT WANT TO FORCE IT ON THE PEOPLE. THEY'RE GOING TO FORCE THEIR VIEW OF THE WORLD ON THE PEOPLE THAT ELECTED THEM. AND I THINK THERE WILL BE A FEW MORE TIMES THIS YEAR BEFORE IT'S OVER WHEN THE PEOPLE IN THIS BODY ARE TRYING TO GO AGAINST THE WILL OF THE PEOPLE OF OUR STATE. PEOPLE ARE CLEARLY IN FAVOR OF THE DEATH PENALTY. NOW I HAD A...REMEMBER, WE HAD A SENATOR EARLIER THAT TRIED TO SAY IT COSTS THREE TIMES AS MUCH OR SOMETHING AND WE...OUR ATTORNEY GENERAL PUT OUT THE INFORMATION AND, NO, THERE'S NO SIGNIFICANT COST DIFFERENCE BETWEEN SOMEONE ON DEATH ROW AND SOMEBODY WITH LIFE IMPRISONMENT. WE HAD ANOTHER SENATOR COME UP AND SAY SMALL

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COUNTIES DON'T WANT TO SEEK THE DEATH PENALTY BECAUSE IT COSTS SO MUCH TO PROSECUTE IT. WELL, THAT'S NEWS BECAUSE THE SMALL-COUNTY ATTORNEYS WANT THE DEATH PENALTY. IF IT WAS SO EXPENSIVE, THEY WOULDN'T WANT IT, BUT PART OF HAVING THE DEATH PENALTY IS THEY CAN HOLD THAT OVER SOMEBODY AND WITHOUT GOING TO TRIAL GET THEM TO PLEAD TO LIFE IMPRISONMENT WITH THE THREAT OF EXECUTION THERE. SO IT'S ACTUALLY A TOOL. SO WHEN A SENATOR SAID THAT, COULDN'T BE MORE WRONG. I'LL LISTEN TO THE COUNTY ATTORNEYS OVER AN ADVOCATE TRYING TO GET RID OF THE DEATH PENALTY. AND FINALLY, I WANT TO GO THROUGH ONE CASE THAT HAPPENED IN SARPY COUNTY. THIS IS JOHN J. JOOBEAR (PHONETICALLY)...JOURBERT, JOUBERT. HE LIVED IN SENATOR CRAWFORD'S DISTRICT. HE KIDNAPPED LITTLE BOYS IN SENATOR GARRETT'S DISTRICT AND IN SENATOR SMITH'S DISTRICT AND THEN KILLED THEM IN SENATOR CRAWFORD'S DISTRICT. THIS HAPPENED DURING THE 1980s. AND THIS IS...I'M GOING TO READ IT TO YOU. AFTER STALKING A YOUNG MAN FOR QUITE SOME TIME, JOUBERT GRABBED YOUNG DANNY JOE EBERLE, A 13-YEAR-OLD PAPERBOY, OFF OF HIS BICYCLE, PUT HIS HAND OVER HIS MOUTH AND A KNIFE TO HIS THROAT, AND TOLD HIM TO COME WITH HIM AND NOT MAKE ANY SOUNDS. JOUBERT ORDERED DANNY TO LIE DOWN NEXT TO THE CAR WHERE JOUBERT TIED DANNY'S HANDS BEHIND HIS BACK AND THEN TIED HIS FEET TOGETHER AND PLACED TAPE OVER HIS MOUTH. JOUBERT PLACED THE HELPLESS AND BOUND DANNY IN THE TRUNK OF HIS CAR, DROVE TO A SECLUDED AREA--AND THIS IS IN SENATOR CRAWFORD'S DISTRICT--AND DRAGGED DANNY INTO THE CORNFIELD. IN THAT CORNFIELD JOUBERT PULLED OUT A KNIFE AND ORDERED DANNY TO LIE ON HIS STOMACH. HE TOOK OFF HIS PANTS WHILE THE YOUNG MAN PLEADED, PLEASE, DON'T KILL ME. HE SLOWLY STABBED DANNY BUT THE WOUNDS WERE NOT MORTAL ENOUGH, AND THEN DANNY WAS STILL ALIVE WHEN JOUBERT SLICED THE BACK OF DANNY'S NECK. TO MAKE SURE HE WAS DEAD, HE SLICED A SEVEN-INCH GAP INTO DANNY'S LEGS ALL THE WAY DOWN TO THE BONE,... [LB268]

SENATOR WATERMEIER: ONE MINUTE. [LB268]

SENATOR KINTNER: ...13-YEAR-OLD BOY HERE. DEATH WAS NOT INSTANTANEOUS. DANNY WAS AWARE FOR THREE TO FOUR MINUTES WHILE JOUBERT INFLICTED NINE CUTS TO THE BODY BEFORE SUCCUMBING TO DEATH FROM LOSS OF BLOOD. FEWER THAN THREE MONTHS LATER, JOUBERT AWOKE EARLY IN THE MORNING FOR THE PURPOSE OF FINDING ANOTHER VICTIM. WHILE DRIVING PAST PAWNEE SCHOOL, JOUBERT NOTICED CHRISTOPHER WALDEN WALKING TO SCHOOL. JOUBERT GOT OUT OF HIS CAR, WALKED

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TOWARD CHRISTOPHER, SHOWED HIM A KNIFE, AND ORDERED CHRISTOPHER TO BE QUIET OR HE WOULD KILL HIM. JOUBERT ORDERED CHRISTOPHER TO LIE DOWN ON THE FLOOR ON THE FRONT OF THE PASSENGER SEAT WHILE HE DROVE TO ANOTHER ISOLATED SPOT. THIS WAS EARLY DECEMBER AND THERE WAS SNOW ON THE GROUND. JOUBERT ORDERED CHRISTOPHER TO STRIP DOWN TO HIS UNDERWEAR, LIE DOWN ON HIS BACK. BECAUSE IT WAS COLD, CHRISTOPHER BALKED AT THE COMMAND, BUT JOUBERT GRABBED CHRISTOPHER BY THE NECK, PLACED HIM DOWN ON THE GROUND WHERE HE PLACED HIS HANDS TO HIS CHEST AND STARTED STRANGLING HIM. HE COULDN'T STRANGLE HIM SO HE PULLED OUT A KNIFE. [LB268]

SENATOR WATERMEIER: TIME, SENATOR. [LB268]

SENATOR KINTNER: THANK YOU. [LB268]

SENATOR WATERMEIER: (VISITORS INTRODUCED.) SENATOR BRASCH, YOU'RE RECOGNIZED. [LB268]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES. AGAIN, I DO RISE IN OPPOSITION, STRONG OPPOSITION AND NO JOY, IN WHAT WE MUST DO AND AS FOR JUSTICE. I SEE THERE ARE NO CHILDREN IN THE BALCONY, NO STUDENTS. AND, COLLEAGUES, I WOULD LIKE TO REMIND YOU THAT WE DO HAVE CHILDREN HERE. WHEN THEY ARE IN THE BALCONY, WE MUST REFRAIN OUR DIALOGUE FOR THE SHORT TIME WE'RE HERE. THERE'S NO LAW THAT REQUIRES THAT, BUT I'M SO CONCERNED ABOUT OUR VISITORS HERE. AND I WAITED. I HAVE A LOT TO SAY. I HAVE A LOT OF FACTS AND I...BUT I WANTED TO BRING THIS OUT. BUT SEEING THERE ARE NO CHILDREN HERE, RECENTLY WE RECEIVED AN E-MAIL IN OUR OFFICE. AND WE'RE TALKING ABOUT JUSTICE, ABOUT SENTENCING. AND I RECEIVED AN E-MAIL FROM A NEBRASKAN THAT SAYS, SENATOR BRASCH, ANDREA KRUGER'S MOTHER (SIC) ATTRACTED A LOT OF ATTENTION...OR MURDER ATTRACTED A LOT OF ATTENTION BECAUSE SHE WAS A MOTHER KILLED BY A HARDENED CRIMINAL RECENTLY RELEASED FROM PRISON. THIS PERSON IS VERY CONCERNED ABOUT OUR JUSTICE SYSTEM BECAUSE THIS PERSON'S MOTHER HAD...AND AGAIN, I'M NOT...I'M NOT GOING TO TELL YOU THE NAME OF THE PERSON SHE'S CONCERNED ABOUT. I AM NOT GOING TO TELL YOU THE NAME OF THIS PERSON WHO SENT THIS E-MAIL OR THE DISTRICT THEY'RE FROM. BUT THEY'RE VERY CONCERNED BECAUSE THIS PERSON MAY BE RELEASED SHORTLY AND THAT THIS PERSON AT ONE POINT HAD ABDUCTED A WOMAN AT GUNPOINT FROM A VEGETABLE

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MARKET, BRUTALLY RAPED AND BEAT THE PERSON, AND THEN LEFT HER IN A REMOTE AREA TO DIE. BUT SHE DID (SIC) DIE...SHE DID NOT DIE. THIS PERSON WAS SENTENCED AND WHILE HE WAS SENTENCED HE DID NOT RETURN TO THE FACILITY THAT HE WAS INCARCERATED AT. AND WHEN HE GOT AWAY FROM HIS WORK DETAIL, HE COMMITTED SOME OTHER CRIMES; AND THEN AT ONE POINT THEY BROKE INTO HER HOME, RAPED AND BEAT HER MOTHER, SHOT HER FATHER THREE TIMES TO MURDER HIM. DURING THE ATTACK, HE TALKED ABOUT HOW HE WAS GOING TO RAPE THEIR TWO DAUGHTERS--AT THAT TIME AGES FIVE AND TEN--CUT THEM INTO LITTLE PIECES, AND LEAVE THEM FOR DOG FOOD. THE ONLY PERSON...THE ONLY REASON THIS PERSON WAS NOT CONVICTED OF MURDER, IT WAS PLEA BARGAINED DOWN...OR ATTEMPTED MURDER. AND THEY'RE SOON TO BE BACK ON THE STREET. SO WE NEED TO THINK ABOUT EVIL, PEOPLE WHO DO COMMIT MURDER, WANT TO COMMIT MURDER, TRY TO COMMIT MURDER, AND THERE ARE WITNESSES, THERE ARE NO MISTAKES. THIS IS JUSTICE. SO I DO HAVE CONCERNS. I HAVE MORE TO SAY, BUT EVEN THOUGH SENATOR COASH AND I HAVE A DIFFERENCE, I WOULD LIKE TO GIVE HIM MY REMAINING TIME HERE. [LB268]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: SENATOR COASH, YOU'RE YIELDED 1:10. [LB268]

SENATOR COASH: THANK YOU. WILL SENATOR SCHNOOR YIELD TO A QUICK QUESTION? [LB268]

SPEAKER HADLEY: SENATOR SCHNOOR, WILL YOU YIELD TO A QUESTION? [LB268]

SENATOR SCHNOOR: YES, SIR, I WILL. [LB268]

SENATOR COASH: THANK YOU, SENATOR SCHNOOR. SENATOR SCHNOOR, DO YOU ENJOY BARBECUE? [LB268]

SENATOR SCHNOOR: DO I ENJOY BARBECUES? [LB268]

SENATOR COASH: YES. [LB268]

SENATOR SCHNOOR: FOR THE MOST PART, YES. [LB268]

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SENATOR COASH: BACON? [LB268]

SENATOR SCHNOOR: IT'S OKAY. I LIKE BEEF BETTER. [LB268]

SENATOR COASH: HAM? [LB268]

SENATOR SCHNOOR: NO. [LB268]

SENATOR COASH: SHRIMP? [LB268]

SENATOR SCHNOOR: SOMETIMES. [LB268]

SENATOR COASH: OKAY. THANK YOU, SENATOR SCHNOOR. THOSE THINGS ARE BANNED IN THE...UNDER THE BIBLE. NOT SUPPOSED TO EAT PORK, IT'S WHAT IT SAYS IN THE BIBLE. I TOLD SENATOR SCHNOOR I'D ASK HIM THAT. BUT MY POINT IS, COLLEAGUES, WE CAN FIND SOME BIBLICAL REFERENCES TO JUSTIFY A POSITION ON EITHER ONE OF THESE ISSUES AND I THINK THEY'RE ALL VALID BUT THEY ALL NEED TO BE TAKEN INTO THE CONTEXT. AND I APPRECIATE THE TIME. COLLEAGUES, THE ONLY THING I WANTED TO...A COUPLE OF THINGS I WANTED TO SAY IS, THE REALITY IS, NEBRASKA IS NOT EXECUTING PEOPLE. WE CAN'T GET THE DRUGS TO DO IT. COMPANIES WON'T SELL THEM TO US. [LB268]

SPEAKER HADLEY: TIME, SENATOR. [LB268]

SENATOR COASH: THANK YOU, MR. PRESIDENT. [LB268]

SPEAKER HADLEY: WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LR171, LR172, LR173, LR175, LR176, AND LR177. THOSE IN THE QUEUE ARE SENATORS SCHEER, KEN HAAR, CRAWFORD, RIEPE, AND OTHERS. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB268 LR171 LR172 LR173 LR175 LR176 LR177]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. I RISE TODAY, AS I DID THE PREVIOUS TIMES, IN OPPOSITION TO REMOVING THE DEATH PENALTY. IT CERTAINLY IS A PERSONAL CONVICTION THAT WE ALL HAVE. THERE PROBABLY IS NO RIGHT OR WRONG ANSWERS. THERE'S NO RIGHT OR WRONG SIDE ON THIS ISSUE. WE ALL HAVE OUR OWN REASONS. I'VE HEARD SOME COMMENTS THAT

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WE NEED TO DO AWAY WITH DEATH PENALTY SIMPLY BECAUSE IT'S NOT A
DETERRENT. WELL, I SUSPECT THAT NO CRIME, THE PUNISHMENT FOR THE
CRIME IS A DETERRENT. WE ALL GO IN EXCESS OF THE SPEED LIMIT. WE ALL
KNOW IT'S AGAINST THE LAW. VERY FEW OF US WOULD KNOW WHAT THE
PENALTY IS FOR HOWEVER FAST WE'RE GOING. WE DON'T THINK OF THAT. WE
JUST WANT TO GET SOMEWHERE QUICKER. IF SOMEBODY IS GOING TO STEAL A
PAIR OF JEANS OR A SWEATER FROM THE STORE, I'M NOT SURE THEY'RE
THINKING ABOUT IF THAT'S WHATEVER TYPE OF FELONY OR MISDEMEANOR OR
IF THEY'RE GOING TO BE IN PRISON FOR ONE YEAR OR IF THEY'RE GOING TO BE
IN THE COUNTY JAIL FOR ONE DAY. I DON'T KNOW THAT ANYONE CAN TELL YOU
THAT ANY PUNISHMENT IS A DETERRENT FOR ANY CRIME, LET ALONE THE
DEATH PENALTY FOR A CAPITAL OFFENSE. WE'VE HAD SOME DISCUSSION
ABOUT COSTS. I DON'T THINK JUSTICE SHOULD HAVE A COST AND IT DOESN'T.
JUSTICE IS DOLED OUT BY THE STATE AND THE GOVERNMENT REGARDLESS OF
THE CONVICTION OF THE CRIME, NONE OF WHICH IS COST-EFFECTIVE. IF YOU'RE
CAUGHT SPEEDING AND YOU GO TO JAIL OR IF YOU GO TO THE COURT AND YOU
END UP PAYING YOUR \$42 OR YOUR \$52, AND EVEN IF YOU ONLY SPENT 15
MINUTES, THE JUDGE'S TIME, THE PROSECUTOR'S TIME, THE PATROLMAN THAT
PICKLED YOU UP THAT HAS TO NOW BE THERE BECAUSE YOU'RE GOING TO HAVE
A TRIAL, NONE OF THAT IS COST-EFFECTIVE. SO FOR US TO ASSUME THAT
CAPITAL PUNISHMENT HAS TO BE COST-EFFECTIVE I THINK IS A LITTLE HARD
FROM A LOGICAL STANDPOINT TO AGREE WITH. NO JUSTICE IS COST-EFFECTIVE.
IF IT WERE, WE'D NOT HAVE ANY LAWS BECAUSE NOTHING WOULD BE COST-
EFFECTIVE. NOW I DO HAVE PERHAPS A DIFFERENT PERSPECTIVE ON THE DEATH
PENALTY BECAUSE NORFOLK HAS HAD SEVERAL MURDERS IN ITS HISTORY IN
THE LAST 20-30 YEARS. PROBABLY THE THING THAT CONCERNS ME MORE THAN
ANYTHING IS NOT NECESSARILY THE DEATH PENALTY BUT HOW HEINOUS IT
HAS TO BE IN ORDER TO BE SUBJECTED TO THE DEATH PENALTY. WE TALKED
ABOUT THE BANK ROBBERIES IN NORFOLK AND CERTAINLY THEY WERE
HEINOUS. SEVEN PEOPLE WERE EXECUTED, AND I'LL SAY EXECUTED. I DON'T
KNOW IF SOME OF THOSE DID IT FOR FUN, THEY DID IT OUT OF SPITE, OR OUT OF
FEAR. BUT WE HAD ANOTHER ONE ABOUT 20 YEARS AGO OR MAYBE EVEN 30
YEARS AGO WHERE A GENTLEMAN SAW A PICTURE OF A BRIDE-TO-BE, WENT TO
HER TRAILER,... [LB268]

SPEAKER HADLEY: ONE MINUTE. [LB268]

SENATOR SCHEER: ...BROKE INTO HER TRAILER, STRANGLERED HER, SEXUALLY
MOLESTED HER. WASN'T SURE SHE WAS DEAD, SO HE FILLED THE BATHTUB UP,
DROWNED HER. STILL WASN'T SURE THAT SHE WAS DEAD, SO HE TOOK SOME

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HOSE, SOME PANTYHOSE, PUT IT IN HER MOUTH, IN HER THROAT AND TOOK A PLUNGER AND FORCED THEM DOWN HER NECK. NOW, FOLKS, THAT WASN'T HEINOUS ENOUGH TO GET THE DEATH PENALTY. IS IT DISPERSED FAIRLY? MAYBE NOT, BUT EVEN IF IT'S NOT, I STILL THINK WE SHOULD HAVE THE AVAILABILITY OF THAT. FOR THOSE THAT COMMIT THE ULTIMATE CRIME, ULTIMATE JUSTICE SHOULD STILL BE AVAILABLE AS A RESULT OF THAT. I DON'T SUSPECT THAT I'VE CHANGED ONE PERSON'S MIND. I'M JUST TELLING YOU MY MIND AND HOW I PERCEIVE THIS IN MY PERSONAL PERSPECTIVE. THANK YOU, MR. SPEAKER. [LB268]

SPEAKER HADLEY: SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB268]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I'LL TAKE MORE TIME LATER ON IN THE DISCUSSION, BUT I DO SUPPORT LB268. I BELIEVE PERSONALLY AND I CAMPAIGNED AGAINST THE DEATH PENALTY. AND I BELIEVE THAT IF WE JUST LOOK AT HISTORY, I THINK AS WE...AS MORE AND MORE COUNTRIES IN THIS WORLD, AS WE BECOME MORE AND MORE CIVILIZED, WE'VE REALIZED THAT THE DEATH PENALTY IS SOMETHING THAT WE CAN AND SHOULD LET GO OF. AND LATER ON, WE'RE HAVING ALL THESE HORROR STORIES. I WOULD LIKE TO READ SOME THINGS THAT HAPPENED DURING THE INQUISITION AND THE THINGS THAT HAPPENED THAT...AND SIMPLY LIKE TO SAY THAT FOR THE OLD TESTAMENT CHRISTIANS WHO QUOTE AN EYE FOR AN EYE AND A TOOTH FOR A TOOTH SHOULD NOT BE TOO OFFENDED BY THE STONING THAT HAPPENED OF THE WOMAN COMMITTING ADULTERY IN THE MIDDLE EAST BECAUSE THAT WAS ALSO CONDONED IN THE OLD TESTAMENT. I'D LIKE TO GIVE THE REST OF MY TIME TO SENATOR CRAWFORD. [LB268]

SPEAKER HADLEY: SENATOR CRAWFORD, YOU'RE YIELDED 3:40. [LB268]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB268. I THINK MANY OF THE SUPPORTERS OF LB268 HAVE ALREADY ELOQUENTLY OUTLINED KEY ARGUMENTS. I JUST FEEL COMPELLED, COLLEAGUES, TO SHARE A PERSONAL STORY WITH YOU OF DR. ASHLEY GAGE BECAUSE SHE SHARED THIS STORY WITH ME YESTERDAY AND ASKED ME TO SHARE IT WITH YOU. DR. ASHLEY GAGE WAS HERE YESTERDAY BECAUSE IT WAS SOCIAL WORK DAY. SHE IS A PROFESSOR OF SOCIAL WORK AT UNK. WHEN SHE WAS 18 YEARS OLD, HER FATHER WAS MURDERED. SHE FOUND HIM MURDERED IN THE FRONT YARD AND TRIED TO PERFORM CPR, CALLED 911. SHE TALKED ABOUT HOW TRAUMATIZED SHE WAS BY HAVING THAT 911 TAPE PLAYED OVER AND OVER AGAIN IN NEWS

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COVERAGE OF HER FATHER'S DEATH. SHE SHARED WITH ME HOW GRATEFUL SHE IS THAT THE MURDERER IN THIS CASE WAS CONVICTED TO LIFE WITHOUT PAROLE BECAUSE SHE WAS ABLE TO HAVE CLOSURE. SHE HAD TO GO THROUGH THE TRAUMA OF THE NEWS COVERAGE AND THE TRAUMA OF THE TRIAL ONCE AND ONLY ONCE. SO THAT HAPPENED. IT WAS VERY TRAUMATIC. BUT SHE WAS ABLE TO GO THROUGH IT AND THEN BE ABLE TO GET OVER IT, WHICH UNFORTUNATELY IN MANY OTHER CASES THAT HAS NOT BEEN THE CASE AND WHEN IT IS A DEATH PENALTY TRIAL. AND SO SHE WAS ABLE TO GET COUNSELING AT SCHOOL AND BE ABLE TO MOVE ON, GET HER MASTER'S DEGREE, GET HER Ph.D., AND NOW IS ABLE TO TEACH AND TEACH OUR FUTURE SOCIAL WORKERS. AND THAT, SHE SAID, IS BECAUSE SHE WAS ABLE TO HAVE CLOSURE, BECAUSE IN HER CASE THE MURDERER WAS CONVICTED TO LIFE WITHOUT PAROLE. AND NOW SHE SAYS WHENEVER SHE HAS A BAD DREAM OR GETS A PANIC ATTACK, ALL SHE HAS TO DO IS CHECK, CHECK ON-LINE. SHE SEES THE MURDERER IS STILL BEHIND BARS. HER CONFIDENCE IS RESTORED AND SHE HAS CLOSURE. THANK YOU, MR. PRESIDENT. [LB268]

SENATOR KRIST PRESIDING

SENATOR KRIST: THANK YOU, SENATOR CRAWFORD, AND...SENATOR CRAWFORD, YOU WAIVE? THANK YOU. SENATOR RIEPE, YOU'RE RECOGNIZED. [LB268]

SENATOR RIEPE: MR. PRESIDENT, FELLOW SENATORS, AND NEBRASKANS, I WILL NOW TELL THE STORY OF A NEBRASKA BRUTAL MURDER. INDIVIDUALS IN THIS CHAMBER OR VISITORS WHO DO NOT HAVE A STOMACH FOR GRUESOME DETAILS MAY WANT TO EXCUSE THEMSELVES. AND I ALSO ASK THAT IF THERE ARE ANY YOUNG CHILDREN EITHER IN THE CHAMBER OR WATCHING ON TELEVISION, THAT THEY MUTE THE SCREEN AT HOME OR LEAVE THE CHAMBER, PLEASE. THE CASE I'M ABOUT TO SHARE WITH YOU HAPPENED IN SCOTTSBLUFF. THE NAME OF THE HEINOUS MURDERER I WILL NOT DIGNIFY WITH ITS USE, BUT THIS MURDERER NOW SITS ON NEBRASKA'S DEATH ROW. THE WICKED AND GRUESOME MURDER CIRCUMSTANCES ARE OF A 3-YEAR-OLD BOY, A 3-YEAR-OLD, INNOCENT, LITTLE BOY WHOSE SKULL WAS CRUSHED TWICE AND DECAPITATED. THE BOY'S LITTLE BODY WAS CUT INTO PIECES. A PART OF THE BOY'S BONE WAS FOUND IN A DOG'S DIGESTIVE TRACT BASED ON AN AUTOPSY PERFORMED ON THE DOG. THE LITTLE 3-YEAR-OLD BOY WAS FED TO THE DOG. PARTS OF THE BOY'S LITTLE BODY WERE FOUND IN THE SEWER LINE. SOME HAD BEEN BOILED, SOME FOUND IN A FREEZER, AND SOME IN THE DOG'S FOOD DISH. THE 3-YEAR-OLD BOY TWICE...HIS TWICE-CRUSHED SKULL WAS FOUND IN A CRAWLSPACE IN THIS HEINOUS MURDERER'S BASEMENT. YES, HE RETAINED THE

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SKULL TO PROVE HE HAD KILLED THE LITTLE BOY, A TROPHY. AND THE LITTLE BOY'S SKULL HAD BEEN GNAWED ON BY A DOG. A THREE-JUDGE PANEL FOUND THIS BRUTAL MURDER DEMONSTRATED EXCEPTIONAL DEPRAVITY OF A DEGREE UNSEEN WITH AGGRAVATING CIRCUMSTANCES REQUIRED FOR A DEATH SENTENCE. THE JUDGES WROTE THIS HEINOUS MURDER SHOWED CORRUPTION, EVIL, AND MALEVOLENCE SELDOM FOUND IN THE HUMAN CONDITION. SOME WILL SAY THE COST OF APPEAL IS GREATER THAN THE COST OF ITS LIFE SENTENCE. THIS IS NOT RELEVANT. THIS IS NOT ABOUT MONEY. THIS IS ABOUT THE RIGHT TO LIVE AMONG US. IN THE END, THE TAXPAYERS WILL PAY EITHER WAY. SOME WILL SAY LIFE IMPRISONMENT WITHOUT PAROLE IS THE WAY TO GO. I DON'T BUY THAT ARGUMENT. WE WILL SEE THE SAME KIND OF POST-CONVICTION LITIGATION ON A LIFE SENTENCE. SOME COULD ARGUE A LIFE SENTENCE WITHOUT PAROLE IS CRUEL AND UNUSUAL PUNISHMENT. AND I REPEAT, SOME WILL ARGUE THAT A LIFE SENTENCE IS NOW CRUEL AND UNUSUAL PUNISHMENT. MY FELLOW LEGISLATORS AND CITIZENS OF NEBRASKA, THIS LITTLE BOY FOR SURE DESERVED BETTER. YOU AND I DESERVE BETTER. WE DESERVE TO NOT HAVE THIS AND LIKE HEINOUS MURDERERS AMONG US. WE DO DESERVE BETTER. WE NEED TO PROTECT THE INNOCENT AND WE NEED TO RID OURSELVES OF THE EVIL, THE EVIL WHO ARE GUILTY OF HEINOUS MURDERS. RETAIN THE DEATH PENALTY AND VOTE NO ON LB268. IF I HAVE ANY TIME LEFT, I WOULD YIELD THAT TO SENATOR McCOY IF HE'D LIKE. [LB268]

SENATOR KRIST: SENATOR McCOY, 1:40. [LB268]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. AND THANK YOU, SENATOR RIEPE. YOU KNOW, ONE OF THE THINGS THAT I THINK SENATOR RIEPE JUST MENTIONED THAT I THINK BEARS REPEATING: THAT THERE IS NO EVIDENCE UNDER LB268 EITHER WITH AM754 OR THE COMMITTEE AMENDMENT OR THE GREEN COPY OF THE BILL ALONE THAT THE ANGUISH AND THE TOLL ON VICTIMS' FAMILIES THAT YOU HEAR SUPPORTERS OF LB268 TALK ABOUT WITH A CONTINUED DEATH PENALTY ARE GOING TO GO AWAY. THE APPEALS PROCESS DOESN'T CHANGE. [LB268]

SENATOR KRIST: ONE MINUTE. [LB268]

SENATOR McCOY: I THINK THAT'S AN IMPORTANT FACTOR TO TALK ABOUT. I'LL SAY IT AGAIN. AND IT'S NOT SOMETHING I RELISH OR ANY OF US RELISH TO STAND UP HERE AND TALK ABOUT THE HEINOUS CRIMES THAT THE

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INDIVIDUALS ON DEATH ROW HAVE COMMITTED, OR IN SENATOR SCHEER'S CASE, TALKING ABOUT A CASE OF SOMEONE WHO IS NOT ON DEATH ROW WHO MAY SHOULD...WHO POSSIBLY SHOULD BE WHO DIDN'T RECEIVE THE DEATH PENALTY FOR THAT CRIME. BUT IT'S SOMETHING THAT HAS TO BE DONE BECAUSE IF WE DON'T DO IT, MEMBERS, WHO WILL? WHO IS GOING TO TALK ABOUT THESE HEINOUS CRIMES? WHO IS GOING TO TALK ABOUT THE LOSS OF LIFE? THANK YOU, MR. PRESIDENT. [LB268]

SENATOR KRIST: THANK YOU, SENATOR McCOY. THOSE STILL WISHING TO SPEAK: SENATOR GARRETT, CRAIGHEAD, BRASCH, SCHNOOR, AND JOHNSON. SENATOR GARRETT, YOU'RE RECOGNIZED. [LB268]

SENATOR GARRETT: THANK YOU, MR. PRESIDENT. TODAY I RISE AS A CONSERVATIVE OPPONENT TO THE DEATH PENALTY, NOT FOR THE SAKE OF THE CONVICTED BUT FOR THE SAKE OF SOCIETY. WHILE IT MAY BE TRUE THAT THE DEATH PENALTY IS A WASTEFUL, INEFFICIENT USE OF TAXPAYER DOLLARS, MY MAIN OBJECTIONS COME FROM MY PRO-LIFE VALUES. I BELIEVE THE STATE OF NEBRASKA GIVING ITSELF THE POWER TO PLAY GOD IS AN AFFRONT TO MY EFFORTS AND THE EFFORTS OF MY CONSERVATIVE BRETHERN TO CREATE A CULTURE OF LIFE IN SOCIETY. FOR 26 YEARS I SERVED MY COUNTRY IN THE AIR FORCE. I'VE SEEN LIFE TAKEN AND IMPLORE MY FELLOW SENATORS NOT TO TRIVIALIZE HUMAN LIFE. THERE'S TOO MUCH LIFE TAKEN FROM THIS WORLD ON A DAILY BASIS AND WE DO NOT HAVE TO JOIN IN THE MOB OF DESTRUCTION. WHAT GIVES THIS STATE THE POWER TO DECIDE WHEN ITS CITIZENS WILL LIVE OR WHEN THEY WILL DIE? HOW CAN THE STATE KNOW IF AN INDIVIDUAL IS FINISHED WITH HIS SPIRITUAL GROWTH? I'LL RECALL THE STORY OF A MAN FROM THE TOWN OF TARSUS NAMED SAUL. SAUL WENT FROM TOWN TO TOWN KILLING CHRISTIAN MEN, WOMEN, AND CHILDREN IN DEFENSE OF THE JEWISH FAITH. HE SAW THE LIGHT, QUITE LITERALLY, CHANGED HIS NAME TO PAUL, AND DEDICATED HIS LIFE TO JESUS CHRIST, WRITING OVER HALF OF THE NEW TESTAMENT IN THE PROCESS. PAUL IS PROOF THAT IT IS NEVER TOO LATE FOR SOMEONE TO FIND REDEMPTION. IT IS NEVER TOO LATE FOR AN INDIVIDUAL TO SPIRITUALLY GROW AND LEAVE THE WORLD A BETTER PLACE THAN HE FOUND IT. I MAY BE OLD FASHIONED, BUT I BELIEVE GOD SHOULD BE THE ONLY ONE WHO DECIDES WHEN IT'S TIME TO CALL A PERSON HOME. THE STATE HAS NO BUSINESS PLAYING GOD. IN FACT, WE ARE QUITE BAD AT IT. WE LET POLITICS, THE NEWS CYCLE, AND OTHER FACTORS GET IN THE WAY. SOCIETY ENTERS INTO A MOB MENTALITY AND WE MANY TIMES SENTENCE INNOCENT PEOPLE TO DEATH. LAST WEEK, ANTHONY RAY HINTON, AN INNOCENT MAN WHO SPENT 30 YEARS ON DEATH ROW, WAS FINALLY SET FREE. OH, BY THE WAY, HE'S GOT

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CANCER ON TOP OF EVERYTHING ELSE. LIKE RAY KRONE, HE WAS FOUND GUILTY BY THE MOB WHEN THE EVIDENCE CLEARLY SHOWED HIS INNOCENCE. I BELIEVE IN THE SANCTITY OF LIFE. I BELIEVE THAT LIFE BEGINS AT CONCEPTION AND SHOULD BE PROTECTED UNTIL GOD CALLS THE INDIVIDUAL HOME. LET US JOIN TOGETHER AS A LEGISLATURE TO PROMOTE A CULTURE OF LIFE. IF WE WORK TOGETHER, WE CAN CREATE A CULTURE OF LIFE THAT SEEPS THROUGH SOCIETY AND MAKES THE WORLD A BETTER PLACE FOR OUR CHILDREN. I HEARD A COMMENT EARLIER THAT 32 STATES STILL PERMIT THE DEATH PENALTY. WE ARE THE ONLY NATION IN THE AMERICAS THAT STILL HAS A DEATH PENALTY. THERE ARE MORE THAN 140 NATIONS WORLDWIDE WHO HAVE ABANDONED CAPITAL PUNISHMENT. AND IN THE WORLD TODAY, WE ARE NUMBER FIVE IN THE NUMBER OF EXECUTIONS BEHIND CHINA, IRAN, IRAQ, AND SAUDI ARABIA. COLLEAGUES, WE CAN DO BETTER THAN THAT; WE HAVE TO DO BETTER THAN THAT. I'D LIKE TO QUOTE SOMETHING FROM CHARLES KRAUTHAMMER, SOMEONE I GREATLY ADMIRE: ONE IS NOT SUPPOSED TO TALK THESE DAYS ABOUT HIGHER AND LOWER LEVELS OF CIVILIZATION, BUT EVEN POLITICAL CORRECTNESS WOULD ADMIT THAT THE IDEA OF... WOULD ADMIT THAT THE LESS A SOCIETY HAS RECOURSE TO OFFICIAL VIOLENCE, THE MORE CIVILIZED IT IS. WE DO NOT CUT OFF THE HANDS OF THIEVES. WE DO NOT KEELHAUL MISCREANT SAILORS. WE NO LONGER HAVE PUBLIC FLOGGINGS. EACH ABOLITION REPRESENTS AN ADVANCE OF CIVILIZATION. ABOLITION OF THE DEATH PENALTY REPRESENTS A FURTHER ADVANCE. BUT THERE'S NO CONVINCING EVIDENCE THAT THE DEATH PENALTY DETERS. MURDER RATES IN STATES WITH A DEATH PENALTY ARE JUST AS HIGH AS IN NEIGHBORING STATES WITHOUT IT. WHEN SOMETHING AS BARBARIC AS COLD-BLOODED EXECUTION BY THE STATE MAKES NO APPRECIABLE CONTRIBUTION TO PUBLIC SAFETY, IT DESERVES ABOLITION. BUT ON BALANCE IT SEEMS TO ME WORTH FORGOING THE SATISFACTION OF PERFECT JUSTICE, AS ALL OF WESTERN EUROPE HAS DONE, TO LIVE IN A SOCIETY CIVILIZED ENOUGH TO MAINTAIN ORDER WITHOUT JUDICIAL KILLING. THANK YOU, MR. SPEAKER. [LB268]

SENATOR KRIST: THANK YOU, SENATOR GARRETT. (VISITORS INTRODUCED.)
SENATOR CRAIGHEAD, YOU ARE RECOGNIZED. [LB268]

SENATOR CRAIGHEAD: THANK YOU, MR. PRESIDENT. I YIELD MY TIME TO...
[LB268]

SENATOR KRIST: AND, I'M SORRY, THIS IS YOUR THIRD TIME. I'M SORRY. [LB268]

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SENATOR CRAIGHEAD: THANK YOU. I YIELD MY TIME TO SENATOR KINTNER.
[LB268]

SENATOR KRIST: SENATOR KINTNER, YOU'RE YIELDED 4:53. [LB268]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YOU KNOW, WE'RE GOING TO TALK ABOUT THIS FOR A WHILE. LET THERE BE NO MISUNDERSTANDING, IT'S MY INTENTION TO STOP THIS BILL FROM PASSING, WHICH WE'LL HAVE A LONG DISCUSSION ON JUSTICE, THE COST, THE RIGHT OF GOVERNMENT TO PROTECT THE INNOCENT LIFE AND THE HEINOUS CRIMES OF THOSE PEOPLE WHO HAVE COMMITTED THESE THINGS IN NEBRASKA. I'VE, YOU KNOW, I'VE LISTENED QUITE A BIT AND WHEN I HEAR A COLLEAGUE SAYING THAT WE'RE PLAYING GOD, NO, WE'RE NOT. GOD HAS GIVEN US GOVERNMENT TO ORGANIZE OUR LIVES AND GOD HAS GIVEN GOVERNMENT THE SWORD. SCRIPTURE INDICATES THAT MURDER DEFILES LAND, DEFILES A NATION. IT BRINGS GOD'S JUDGMENT UNLESS MURDERERS ARE EXECUTED. YOU KNOW, IF WE WANT GOD'S BLESSINGS ON THIS NATION, WE NEED TO TAKE THE ISSUE OF THE DEATH PENALTY VERY SERIOUSLY. WE'RE NOT PLAYING GOD. WE'RE DOING EXACTLY AS GOD HAS ASKED US TO DO IN THIS. AND I WOULD SUBMIT TO YOU THAT WE'RE THE ONLY WESTERN COUNTRY THAT STILL EXECUTES PEOPLE BECAUSE WE'RE THE ONLY COUNTRY THAT STILL HAS VESTIGES LEFT OF CHRISTIANITY. EUROPE HAS PRETTY MUCH MOVED FROM GOD. LESS THAN 10 PERCENT OF THE PEOPLE IN EUROPE EVEN GO TO CHURCH. AND WE'RE THE LAST COUNTRY WHERE STILL 40-50 PERCENT GO TO CHURCH EVERY SUNDAY. AND IT'S THE FACT THAT WE STILL HAVE LAWS BASED UPON OUR CHRISTIAN HERITAGE AND VALUES, AS THAT FADES AWAY, I MIGHT ADD, BUT WE STILL HAVE THAT. AND AS WE...YOU KNOW, WE MAY GET TO SOME POINT IN THE FUTURE WHERE WE GET TO ONLY 10-20 PERCENT GO TO CHURCH AND I'M SURE WE'LL HAVE THE DEATH PENALTY GONE BY THAT TIME, BUT NOT RIGHT NOW. I'M HERE TO STOP THE PROGRESSIVE VISION OF NEBRASKA THAT DOES NOT HAVE A DEATH PENALTY, THAT WANTS OBAMACARE AND WANTS A WHOLE HOST OF OTHER THINGS THAT OUR STATE DOESN'T WANT BUT THE MAJORITY OF THIS BODY WANTS. AND I'M HERE TO STOP IT. YOU KNOW, I WAS TALKING ABOUT JOHN JOUBERT AND WE WERE TALKING ABOUT, AT THE POINT I LEFT OFF, HE HAD JUST KIDNAPPED HIS SECOND CHILD. HE WAS STRANGLING HIM AND HE DECIDED TO STAB THIS YOUNG MAN. YOUNG MAN WAS ABOUT 12 YEARS OLD. YOUNG CHRISTOPHER WAS HIS NAME. HE STABBED HIM IN A COUPLE TIMES IN THE BACK AND THEN SLICED HIS THROAT. JUST TO MAKE SURE HE WAS DEAD, HE CAREFULLY AND DELIBERATELY CARVED HIS BODY'S STOMACH UP IN THE REPRESENTATION OF A PLANT WITH A STEM AND SEVEN LEAVES. CHRISTOPHER

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DID NOT DIE INSTANTLY. THIS YOUNG BOY LIVED WITH THOSE WOUNDS FOR SEVERAL MINUTES BUT WAS STABBED 15 MORE TIMES AND HE GRADUALLY LAPSED INTO A COMA AND DIED. NOW, WE KNOW THIS, WELL, BECAUSE JOHN JOUBERT ADMITTED IT. THERE'S NO QUESTION ABOUT WHAT HE DID AND HE WAS EXECUTED JULY 17, 1996. THE PEOPLE THAT WE HAVE ON DEATH ROW ARE PEOPLE WHERE AN EYEWITNESS SAW THEM DO IT OR THEY ADMITTED TO DOING IT. WE ARE NOT MATCHING FINGERPRINTS TO A MURDER WEAPON AND THEY WERE IN THE AREA AT THE TIME. TO GET THE DEATH PENALTY NOW, THERE PRETTY MUCH HAS TO BE AN EYEWITNESS OR A CONFESSION. [LB268]

SENATOR KRIST: ONE MINUTE. [LB268]

SENATOR KINTNER: AND THAT'S THE WAY IT SHOULD BE. ACTUALLY, THE BIBLE SAYS THERE NEEDS TO BE TWO EYEWITNESSES. AND BY THE WAY, I DON'T THINK THAT WOULD BE A BAD LAW TO HAVE TWO EYEWITNESSES BEFORE WE GAVE SOMEONE A DEATH PENALTY. WE'RE GOING TALK ABOUT THIS A LITTLE MORE AND I'M SURE THERE WILL BE SOME MORE CLAIMS OF COST AND ALL KIND OF STUFF BY THE OPPONENTS. BUT AS I SAID EARLIER, THERE WILL NOT BE A CLAIM OF INNOCENCE FOR ANY OF THE 11 PEOPLE ON DEATH ROW OR ANY OF THE 33 PEOPLE OR AT LEAST THE 11 THAT WE'VE PUT TO DEATH IN THE LAST 30 YEARS. THANK YOU, MR. PRESIDENT. [LB268]

SENATOR KRIST: THANK YOU, SENATOR KINTNER AND SENATOR CRAIGHEAD. SENATOR BRASCH, YOU'RE RECOGNIZED AND THIS IS YOUR THIRD TIME. [LB268]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. I DO APPRECIATE THE OPPORTUNITY TO SPEAK UP IN OPPOSITION ON LB268 AND ALSO RESPOND TO SENATOR GARRETT'S COMMENTS EARLIER WHEN HE CALLS US OUT TO LOOK AT INTERNATIONALLY. THIS WAS NOT ON MY RADAR, I'LL HAVE TO ADMIT. BUT, YES, WE HAVE LONG LINES OF IMMIGRANTS WAITING TO COME HERE INTO OUR COUNTRY, THOSE WHO ARE ESCAPING POLITICAL SITUATIONS, WANTING ASYLUM HERE, WOMEN INTERNATIONALLY WHOSE SOCIAL CULTURES AND NORMS ARE HARMFUL AND HORRIFIC. DON'T COMPARE US TO OTHER INTERNATIONAL PLACES. MY PARENTS, THEY SAID MY UNCLE HAD A RADIO IN HIS DORM ROOM. THEY FOUND IT. HE DIDN'T GET ANY KIND OF TRIAL OR JURY OR PUNISHMENT. THEY JUST SHOT HIM WHEN THEY FOUND THE RADIO. THAT'S THE KIND OF JUSTICE THEY HAVE INTERNATIONALLY. THEY DON'T NEED CAPITAL PUNISHMENT. THEY MAY BE TRIGGER HAPPY RIGHT OFF OF THE GIT-GO. SO, PLEASE, WE ARE THE ENVY FOR OUR FREEDOMS, FOR

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OUR JUSTICE, FOR OUR SYSTEM. BUT IT IS GOOD TO LOOK AT WHAT OTHERS ARE DOING, OTHER STATES, WHEN WE DO WRITE PUBLIC POLICY AND TO LOOK WHAT THE DATA IS IN OTHER STATES AND ACTUALLY LOOK AT OUR DATA AND OUR NUMBERS IN OUR STATE BECAUSE, FROM THE REPORT OF THE DEPARTMENT OF CORRECTIONS, THERE IS NO DISPROPORTIONATE EXECUTION OF MINORITIES ON DEATH ROW. IN FACT, WHITES VERSUS OTHER MINORITIES, THE WHITES ARE EXECUTED AT A HIGHER PERCENTAGE. WHEN YOU RUN THE TOTAL NUMBERS, 30 PERCENT OF WHITES TOTAL TO A 30 PERCENT OF THE MINORITIES. AND THAT NUMBER CAN BE FOUND ON THE DEPARTMENT OF CORRECTIONS. THE STATE OF NEBRASKA IS FAIR, IS JUST, AND IS VERY CAREFUL AND MORE CAREFUL WITH EVERY GENERATION MOVING FORWARD IN EXECUTION. GRANTED, WE ARE AT A STANDSTILL BECAUSE OF THE METHOD, BUT THAT DOES NOT DETER THE NEED FOR JUSTICE FOR THE VICTIMS, THEIR FAMILIES WHO LIVE IN TERROR, IN HORROR, IN HEARTACHE AND ARE LIVING THROUGH EXCRUCIATING PAIN FOLLOWING AN UNNATURAL, CRUEL, EVIL TERROR THAT THEY HAVE EXPERIENCED. NOT ONLY DOES THE VICTIM DIE, BUT THEIR FAMILY. THIS RESPONSE IS TAKEN VERY SERIOUSLY. THERE IS NO JOY, BUT THERE IS A SOMBER DUTY OF JUSTICE AND WE HAVE VERY HIGH STANDARDS IN THIS PROCESS. THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. [LB268]

SENATOR KRIST: THANK YOU, SENATOR BRASCH. SENATOR SCHNOOR, YOU'RE RECOGNIZED AND THIS IS YOUR THIRD TIME. [LB268]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. WELL, THE DEBATE CONTINUES. I'D LIKE TO TALK ABOUT THOSE THAT ARE IN SUPPORT OF THE DEATH PENALTY, YOU KNOW, CURRENTLY, HISTORICALLY, YOU KNOW, IN OUR GOVERNMENT. OUR CURRENT ATTORNEY GENERAL DOUG PETERSON IS IN SUPPORT OF THE DEATH PENALTY AND HE SAYS, I DO BELIEVE THE DEATH PENALTY COULD BE A DETERRENT TO AN INDIVIDUAL COMMITTING A CRIME, HOWEVER, I BELIEVE THE DEATH PENALTY'S PRIMARY PURPOSE IS TO SERVE AS A MEASURED PUNISHMENT BASED UPON HEINOUS CAPITAL ACTS. DOUG (SIC--DON) KLEINE--AND I THINK I PRONOUNCED THAT CORRECTLY--HE'S THE DOUGLAS COUNTY ATTORNEY. HE ALSO REPRESENTS THE NEBRASKA COUNTY ATTORNEYS ASSOCIATION. HE SAYS, AND I QUOTE, IN CERTAIN EXTREME, UNIQUE SITUATIONS, WE BELIEVE THERE NEEDS TO BE THE DEATH PENALTY, END QUOTE. OUR FORMER GOVERNOR DAVE HEINEMAN SAYS, AND I QUOTE, NEBRASKA NEEDS A LEGAL MEANS OF EXECUTION, THERE IS BROAD SUPPORT FOR THE DEATH PENALTY IN OUR STATE, END QUOTE. FORMER SPEAKER OF THE HOUSE MIKE FLOOD ONCE SAID, QUOTE, I FIRMLY BELIEVE THAT THE DEATH PENALTY REMAINS APPROPRIATE IN THOSE CIRCUMSTANCES INVOLVING THE

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MOST HEINOUS OF CRIMES AND I EXPECT A THOROUGH AND DELIBERATE DEBATE, END QUOTE. JON BRUNING, OUR FORMER NEBRASKA ATTORNEY GENERAL, SAYS THIS, I QUOTE, NEBRASKANS BELIEVE THAT DEATH IS THE APPROPRIATE SENTENCE FOR THOSE WHO COMMIT THE MOST HORRIFIC MURDERS, THOSE WHO COMMIT THE ULTIMATE CRIME DESERVE THE ULTIMATE PUNISHMENT, END QUOTE. HAL DAUB, HE WAS A FORMER U.S. CONGRESSMAN, A FORMER OMAHA MAYOR, AND NOW THE UNIVERSITY OF NEBRASKA BOARD OF REGENTS MEMBER. HE SAYS THIS, AND I QUOTE, I AM CONVINCED THAT THE DEATH PENALTY IS AN IMPORTANT DETERRENT TO THOSE WHO COMMIT INTENTIONAL MURDER, THEY SHOULD KNOW THAT SOCIETY EXACTS THEM FROM THE SAME RESULT THAT EXACTED FROM THEIR INTENTIONAL PROVOCATION AND KILLING, THE DEATH PENALTY IS AN IMPORTANT MARKER IN A SOCIETY THAT EXPECTS PEOPLE TO CONDUCT THEMSELVES IN AN APPROPRIATE WAY, I AM STRONGLY OPPOSED TO THE REPEAL OF THE DEATH PENALTY FOR MORAL AND SOCIETAL REASONS. THOSE ARE OUR FORMER AND CURRENT LEADERS. ALSO, REMEMBER, WE AS A DEMOCRATIC REPUBLIC HAVE VOTED GOVERNOR PETE RICKETTS IN OFFICE. HE ALSO SUPPORTS THE DEATH PENALTY AND STANDS AGAINST THIS REPEAL. SO THE LEADERSHIP ABOVE US SUPPORTS THIS AND WE'RE TRYING TO OVERTHROW IT. YOU KNOW, I KNOW WE'RE A SEPARATE PART OF THE SYSTEM. WE DON'T ANSWER DIRECTLY TO THOSE. BUT LET'S KEEP IN MIND THAT'S WHO WE VOTED INTO OFFICE. WE TALKED... [LB268]

SENATOR KRIST: ONE MINUTE. [LB268]

SENATOR SCHNOOR: OBVIOUSLY, WE...ONE MINUTE? [LB268]

SENATOR KRIST: ONE MINUTE. [LB268]

SENATOR SCHNOOR: THANK YOU, SIR. WE'VE TALKED A LOT ABOUT CHRISTIANITY. WHEN TOMMY GARRETT...OR, EXCUSE ME, SENATOR GARRET TALKED ABOUT WHAT SAUL DID, HE'S ABSOLUTELY RIGHT. ANYBODY CAN CHANGE. IT'S...YOU CAN BE...YOU KNOW, IT'S AMAZING SAUL WHO THEN BECAME PAUL BECAME A DISCIPLE, AND HE WAS A MURDERER, SO THAT JUST SHOWS HOW THINGS CAN HAPPEN. I'LL BE RUNNING OUT OF TIME HERE, BUT I DO HAVE ANSWERS FOR SENATOR HAAR ABOUT MY OLD TESTAMENT CHRISTIANITY. SO I WILL...IF I GET TIME LATER, I WILL ANSWER TO THOSE AS WELL. SO LIKE I SAY, WE'VE TALKED A LOT ABOUT ACCOUNTABILITY, HOLDING THESE PEOPLE ACCOUNTABLE FOR THEIR ACTIONS. YOU KNOW, WE DIDN'T

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COMMIT THE CRIMES. THEY DID. LET'S CONTINUE WITH OUR JUSTICE. LET'S LET OUR ELECTED REPRESENTATIVES...TIME? THANK YOU, SIR. [LB268]

SENATOR KRIST: TIME, SENATOR. THANK YOU. SEEING NO ONE ELSE IN THE QUEUE, SENATOR CHAMBERS...I'M SORRY, SENATOR KINTNER, YOU ARE RECOGNIZED TO CLOSE ON AM990 TO AM754. [LB268]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I THINK WE'VE COVERED SOME GROUND HERE. I THINK WE'VE GOTTEN PEOPLE A CHANCE TO KIND OF STAKE OUT THEIR CLAIM AS TO WHERE THEY STAND AND I THINK THAT'S A GOOD THING. AND LET'S JUST KIND OF GO THROUGH WHERE WE'VE BEEN HERE. WE'VE TALKED ABOUT THE PEOPLE. WE'VE TALKED ABOUT SOME OF THE PEOPLE ON DEATH ROW WHO HAVE BEEN EXECUTED--THEY WERE ON DEATH ROW, THEY'VE BEEN EXECUTED--AND SOME OF THE HEINOUS THINGS THAT THEY'VE DONE. WE'VE TALKED ABOUT THE 11 PEOPLE ON DEATH ROW AND WE'LL TALK ABOUT THEM MORE LATER. BUT WE'VE TALKED ABOUT THE 11 PEOPLE, NO DISPUTING THEIR INNOCENCE AT ALL. WE'VE TALKED ABOUT THE COST AND PEOPLE HAVE TRIED TO CLAIM THAT IT COSTS MORE TO KEEP SOMEONE ON DEATH ROW THAN IT DOES TO KEEP THEM IN LIFE IMPRISONMENT AND WE FOUND OUT THAT THAT'S...ACCORDING TO OUR ATTORNEY GENERAL, THAT DOESN'T HOLD ANY WATER AT ALL IN THE STATE OF NEBRASKA. WE CAN'T TALK ABOUT THE OTHER STATES, BUT WE CAN TALK ABOUT NEBRASKA AND THE COST DIFFERENCE BETWEEN PUTTING SOMEONE ON DEATH ROW AND PUTTING SOMEONE ON LIFE IMPRISONMENT IS...THERE'S NO REAL DISCERNIBLE DIFFERENCE. WE'VE TALKED ABOUT THE COUNTY ATTORNEYS. SOMEONE CLAIMED THAT THE RURAL COUNTIES DON'T WANT TO PROSECUTE THIS. BUT THE RURAL COUNTY ATTORNEYS WANT THIS AND THEY USE IT AS A TOOL AND QUITE OFTEN THEY CAN GET SOMEONE TO PLEAD WITH THE THREAT OF A DEATH PENALTY WHERE THEY WON'T EVEN HAVE TO GO AND RUN THE COST OF A TRIAL, SO IT ACTUALLY SAVES SMALL COUNTIES MONEY. AND, YOU KNOW, WE'VE ALSO TALKED A LITTLE ABOUT WHAT SOMEONE SAID, RACIAL DISPARITY, AND WE'RE GOING TO HAVE A LITTLE MORE ON THAT. BUT WE'VE ACTUALLY DONE A STUDY IN OUR STATE, AT LEAST IT WAS DONE ABOUT 15 YEARS, 14 YEARS AGO, AND WE'LL FIND OUT IN A LITTLE BIT HERE THAT THERE'S NO RACIAL DISPARITY AT ALL IN HOW OUR SENTENCES ARE CARRIED OUT IN OUR STATE. AND I'M PROUD TO SAY THAT, THAT I LIVE IN A STATE WHERE WE DON'T HAVE THOSE RACIAL DISPARITIES. SO THAT...MR. PRESIDENT, I'D LIKE TO WITHDRAW THIS AMENDMENT. [LB268]

SENATOR KRIST: SEEING NO OBJECTION, IT IS WITHDRAWN. [LB268]

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CLERK: MR. PRESIDENT, SENATOR KINTNER WOULD MOVE TO AMEND WITH AM991. (LEGISLATIVE JOURNAL PAGE 1196.) [LB268]

SENATOR KRIST: SENATOR KINTNER, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB268]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. NOW WHAT THIS DOES IS IT STRIKES SECTION 6, PAGE 5, OF AM754. IT STRIKES THE SECTION THAT GETS RID OF THE CLASS I FELONY WHICH IS...EXCUSE ME, STRIKES THE INTENT LANGUAGE ON PAGE 20, NOT PAGE 5, THAT CURRENT INMATES ON DEATH ROW SHOULD HAVE THEIR PENALTIES. I WOULD ALSO LIKE TO TALK...IS THAT'S WHAT IT DOES, WOULD LIKE TO WALK THROUGH THE PEOPLE WHO ARE ACTUALLY ON DEATH ROW. AND WE'VE TALKED ABOUT A COUPLE OF THEM. I THINK SENATOR RIEPE DID AN EXCELLENT JOB IN TALKING ABOUT ONE OF THEM BUT LET'S GO THROUGH THEM. WE'VE GOT CASEY (SIC--CAREY) DEAN MOORE, FIRST-DEGREE MURDER ON TWO COUNTS. THE...THIS WAS 1980. HE MURDERED TWO CAB DRIVERS IN THE COURSE OF TWO SEPARATE ROBBERIES. THE NEXT ONE IS FROM 1986, MICHAEL RYAN, FIRST-DEGREE MURDER, THE TORTURE MURDER OF A CULT MEMBER, PREVIOUSLY MURDERED FIVE-YEAR-OLD SON OF ANOTHER CULT MEMBER. NINETEEN NINETY-SIX, JOHN LOTTER, FIRST-DEGREE MURDER, THREE COUNTS. THAT'S RICHARDSON COUNTY, TRIPLE MURDER OF A PRIOR SEXUAL ASSAULT VICTIM AND TWO INNOCENT BYSTANDERS WHO HAPPENED TO BE IN THE WRONG PLACE AT THE WRONG TIME. THERE IS THE ONE THAT SENATOR RIEPE SO ELOQUENTLY TALKED ABOUT, RAYMOND MATA, FROM 2000, MURDERED AND DISMEMBERED A THREE-YEAR-OLD BOY, FIRST-DEGREE MURDER AND KIDNAPPING. NEXT WE HAVE, FROM 2001, ARTHUR GALES, FIRST-DEGREE MURDER, TWO COUNTS, ATTEMPTED SECOND-DEGREE MURDER, DOUBLE MURDER, RAPE, AND MURDER OF A 13-YEAR-OLD GIRL, MURDER OF HER SEVEN-YEAR-OLD BROTHER. NEXT WE HAVE 2004, ANOTHER FIRST-DEGREE MURDER. GUY'S NAME IS GALINDO. JORGE GALINDO MURDERED FIVE PEOPLE IN THE ATTEMPTED ROBBERY OF THE NORFOLK BANK. I THINK THAT WAS MENTIONED EARLIER TODAY TOO. YOU WONDER WHY EVERY SENATOR FROM NORFOLK IS STRONGLY FOR THE DEATH PENALTY. NEXT IS 2005, JOSE SENDOVY (PHONETICALLY)...SANDOVAL, FIRST-DEGREE MURDER, FIVE COUNTS, MADISON COUNTY. HE WAS PART OF THE NORFOLK BANK ROBBERY. NEXT WE GET TO JEFFREY HESSLER FROM 2005, FIRST-DEGREE MURDER. THAT WAS SCOTTSBLUFF. EVERY SENATOR WE'VE EVER HAD FROM SCOTTSBLUFF KNOWS THAT CASE VERY WELL: KIDNAP, RAPE, MURDER OF A 15-YEAR-OLD GIRL. NEXT WE HAVE ERICK VELA, 2007, FIRST-DEGREE MURDER, MADISON COUNTY, MURDERED FIVE PEOPLE IN THE ATTEMPTED ROBBERY OF THE NORFOLK BANK. I'VE ONLY GOT

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TWO MORE TO GO. TWO THOUSAND AND NINE, ROY ELLIS, FIRST-DEGREE MURDER, DOUGLAS COUNTY, ABDUCTION AND MURDER OF A 12-YEAR-OLD GIRL. THE LAST ONE WAS FROM 2010, MARCO TORRES, HALL COUNTY, FIRST-DEGREE MURDER. IT WAS A DOUBLE MURDER. THESE PEOPLE ARE BAD PEOPLE. LET ME TELL YOU WHERE IT STANDS RIGHT NOW. TWO OF THESE PEOPLE ARE OUT OF APPEALS. THEY'RE READY TO BE EXECUTED. I KNOW THE ATTORNEY GENERAL HAS BEEN WORKING ON IT. I WOULD EXPECT THAT THEY WILL REQUEST DEATH CERTIFICATES FOR THESE TWO I WOULD THINK PROBABLY BEFORE THE SUMMER IS OUT. AND THE REST OF THESE PEOPLE ARE STILL IN THEIR APPEALS PROCESS. IT IS IMPORTANT, IF WE'RE GOING TO HAVE A DEATH PENALTY, WE USE IT. AND I THINK THAT OUR ATTORNEY GENERAL UNDERSTANDS THAT AND HE'S MOVING FORWARD WITH THIS. AND I APPRECIATE HIS HARD WORK. AND I WANT TO THANK THE GOVERNOR AND THE ATTORNEY GENERAL. I WANT TO THANK THE ATTORNEY GENERAL. THEY WERE BOTH IN OMAHA ABOUT TWO HOURS AGO. THEY HAD A PRESS CONFERENCE WITH THE MAYOR OF OMAHA, THE POLICE CHIEF, SEVERAL COUNTY ATTORNEYS, INCLUDING ONE OF MINE IN MY DISTRICT. AND THEY WENT TO OMAHA AND THEY HAD A PRESS CONFERENCE AND THEY SAID, THIS IS IMPORTANT, DON'T LET THE LEGISLATURE TAKE THIS AWAY, LAW ENFORCEMENT WANTS THIS AS A TOOL. AND I'LL TELL YOU WHAT, I WANT THEM TO DO THEIR JOB. I WANT TO GIVE THEM WHAT THEY NEED TO CORRECTLY DO THEIR JOB AND I THINK WE SHOULD ALL WANT THAT. AND I WOULD ENCOURAGE YOU TO SUPPORT MY AMENDMENT AND LET'S PUT LB268 TO BED LIKE THE PEOPLE OF OUR STATE WANT US TO DO. THANK YOU, MR. PRESIDENT. [LB268]

SENATOR KRIST: THANK YOU, SENATOR KINTNER. YOU'VE HEARD THE OPENING ON AM991. THOSE WISHING TO SPEAK: SENATOR McCOY AND SENATOR SCHNOOR. SENATOR McCOY, YOU'RE RECOGNIZED. [LB268]

SENATOR McCOY: THANK YOU, MR. PRESIDENT, MEMBERS. WOULD SENATOR SEILER YIELD, PLEASE? [LB268]

SENATOR KRIST: SENATOR SEILER. I'M SORRY, SENATOR McCOY, I DON'T SEE HIM. [LB268]

SENATOR McCOY: ALL RIGHT. WOULD SENATOR COASH YIELD, PLEASE? [LB268]

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SENATOR KRIST: SENATOR COASH, WOULD YOU YIELD FOR A QUESTION, PLEASE? [LB268]

SENATOR COASH: YES, I WILL. [LB268]

SENATOR McCOY: THANK YOU, SENATOR COASH. IN LIEU OF SENATOR SEILER BEING HERE, I WANTED TO ASK YOU A COUPLE OF QUESTIONS ACTUALLY ABOUT THE UNDERLYING COMMITTEE AMENDMENT, AM754, PARTICULARLY--I WILL GIVE YOU A MOMENT IF YOU NEED IT TO FIND THIS. I'M LOOKING AT PAGE 20, SECTION 23, WHICH STARTS ON LINE 25 AND CULMINATES IN LINE 28. AND I HAVE A SPECIFIC QUESTION BECAUSE I WENT BACK AND LOOKED AND, UNLESS I'M MISTAKEN, AND TO THE PREVIOUS LEGISLATION--I CAN'T RECALL OFF THE TOP OF MY HEAD WHAT THE BILL NUMBER WAS TWO YEARS AGO, SENATOR CHAMBERS' BILL ON THE DEATH PENALTY--AND YOU'LL NOTICE THAT SECTION 23 SAYS "IT IS THE INTENT OF THE LEGISLATURE THAT IN ANY CRIMINAL PROCEEDING IN WHICH THE DEATH PENALTY HAS BEEN IMPOSED BUT NOT CARRIED OUT PRIOR TO THE EFFECTIVE DATE OF THIS ACT, SUCH PENALTY SHALL BE CHANGED TO LIFE IMPRISONMENT." NOW I WENT BACK AND DID A QUICK ANALYSIS, UNLESS I'VE MISSED THE BOAT HERE, I DON'T BELIEVE THAT I HAVE, IN THE PAST THIS LEGISLATION, REPEAL OF THE DEATH PENALTY LEGISLATION, HAS BEEN WRITTEN IN THIS CASE TO SAY, "SHALL BE CHANGED TO LIFE IMPRISONMENT WITHOUT POSSIBILITY OF PAROLE." WHY WAS THIS WRITTEN TO SAY "LIFE IMPRISONMENT," SENATOR COASH? [LB268]

SENATOR COASH: WELL, SENATOR McCOY, I DON'T HAVE THE AMENDMENT IN FRONT OF YOU, BUT I AM LOOKING AT THE COMMITTEE STATEMENT. AND ON PAGE 3 OF THE COMMITTEE STATEMENT YOU'LL SEE THAT THE SECTION 23 WAS AMENDED TO REPLACE "DEATH" WITH "LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE." SO THAT'S THE LANGUAGE THAT'S IN THE COMMITTEE AMENDMENT. [LB268]

SENATOR McCOY: I UNDERSTAND THAT MAY BE THE LANGUAGE THAT'S IN THE...BUT THAT'S WHAT I'M SAYING. I AM LOOKING AT THE COMMITTEE AMENDMENT AND I DON'T SEE THAT IN THE COMMITTEE AMENDMENT. I UNDERSTAND THAT MIGHT BE WHAT THE COMMITTEE STATEMENT INTENDED THE COMMITTEE AMENDMENT TO SAY. BUT UNLESS I HAVE MISSED IT, I DON'T BELIEVE THAT IS ACTUALLY WHAT THE COMMITTEE AMENDMENT SAYS. [LB268]

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SENATOR COASH: SENATOR McCOY, I'LL BE GLAD TO DOUBLE-CHECK WITH THAT AND GET BACK TO YOU ON IT. I WOULD COMMENT ON ONE PIECE OF THAT, THOUGH. IT WAS IMPORTANT THAT THE STATEMENT "WITHOUT THE POSSIBILITY OF PAROLE" BE PART OF THE LANGUAGE BECAUSE WE DON'T WANT ANY QUESTION THAT IF THIS BILL GOES THROUGH THAT SOMEBODY CONVICTED UNDER THIS WOULD NEVER, EVER BE CONSIDERED FOR PAROLE. BUT I WILL LOOK AT THAT AND I PROMISE YOU I WILL COME BACK ON THE MIKE AND I'LL GIVE YOU AN ANSWER ON THE RECORD. [LB268]

SENATOR McCOY: WELL, AND I APPRECIATE THAT. AND I AM ACTUALLY LOOKING BECAUSE I WANT TO MAKE VERY CLEAR THAT THIS...THE REASON I'M TROUBLED BY THIS IS IF YOU NOTICE WHAT I FIRST SAID, "IT IS THE INTENT OF THE LEGISLATURE." THIS IS INTENT LANGUAGE. SO ACTUALLY, MEMBERS, IF YOU LOOK AT THE NUTS AND BOLTS OF THIS COMMITTEE AMENDMENT, WE DON'T SPECIFY--AND I SAY "WE" LOOSELY, MEANING THE LEGISLATURE AND IN THIS CASE SPECIFICALLY THE JUDICIARY COMMITTEE--HASN'T CALLED THIS OUT TO SAY LIFE IN PRISON WITHOUT POSSIBILITY OF PAROLE. THAT IS GREATLY TROUBLING. NOT ONLY AM I GREATLY TROUBLED BY THE OVERARCHING BILL, WHICH I OPPOSE STRENUOUSLY, I'M OPPOSED BY THE DIRECTION THAT WE'RE GOING WITH THIS COMMITTEE AMENDMENT BECAUSE IT DOESN'T EVEN CODIFY WHAT'S BEEN TALKED ABOUT HERE ON THE FLOOR. [LB268]

SENATOR KRIST: ONE MINUTE. [LB268]

SENATOR McCOY: AND OTHER TIMES ON THE MICROPHONE I'M GOING TO TALK ABOUT HOW I THINK THAT--AND IT IS MY VIEW IN ADDITION TO WHAT I JUST MENTIONED, WHICH I'LL GIVE SENATOR COASH THE OPPORTUNITY WITH LEGAL COUNSEL FROM THE COMMITTEE TO LOOK AT--BUT I'LL FINISH THIS TIME ON THE MICROPHONE IN SAYING THAT WE ACTUALLY HAVE INDIVIDUALS, DAVID DUNSTER IS A GREAT EXAMPLE, WHO COMMITTED MULTIPLE MURDERS WHILE ALREADY SERVING A LIFE SENTENCE FOR MURDER. SO WHERE, MEMBERS, IS THE JUSTICE IN THAT IF THE DEATH PENALTY IS TAKEN AWAY? AND I'LL TALK ABOUT THAT IN FURTHER TIMES ON THE MICROPHONE. THANK YOU, MR. PRESIDENT. [LB268]

SENATOR KRIST: THANK YOU, SENATOR McCOY AND SENATOR COASH. SENATOR SCHNOOR, YOU ARE RECOGNIZED. [LB268]

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SENATOR SCHNOOR: I GUESS IT WOULD BE BETTER IF I USED THE MICROPHONE. THANK YOU, MR. PRESIDENT. WE'VE TALKED ABOUT, YOU KNOW, ALL OF OUR PRESENT AND PAST COLLEAGUES, OUR ELECTED REPRESENTATIVES THAT ARE IN FAVOR OF THE DEATH PENALTY AND AGAINST THE ABOLISHMENT. WE TALK A LOT HERE ABOUT THE CHANGES IN ADMINISTRATION, I GUESS, IF YOU WILL, THROUGHOUT DIFFERENT AREAS THAT ARE WITHIN THE GOVERNMENT, YOU KNOW, HEALTH AND HUMAN SERVICES, DEPARTMENT OF CORRECTIONS, JUST TO NAME A FEW. WE TALK ABOUT HOW LET'S GIVE THEM A CHANCE TO MAKE SOME CHANGES IN WHAT THEY HAVE BEEN CHARGED WITH. AND THEN WE ALSO HAVE A NEW GOVERNOR IN PLACE, A NEW ATTORNEY GENERAL. LET'S GIVE THEM A CHANCE TO MAKE SOME CHANGES AND FIX, YOU KNOW, WHAT IS A...WHAT NEEDS TO BE FIXED WITH HOW THE DEATH PENALTY IS CARRIED OUT. AND WE CAN'T DENY THAT THERE IS A FLAW IN THAT SYSTEM THAT NEEDS TO BE CHANGED. BUT LET'S GIVE THEM A CHANCE BEFORE MAKING THIS SWEEPING LEGISLATION TO TAKE THAT AUTHORITY AWAY FROM THEM BECAUSE THAT'S EXACTLY WHAT WE'RE DOING. WE'RE TAKING THE AUTHORITY AWAY FROM THEM BECAUSE WE...I GUESS WE FEEL THEY KNOW BETTER OR THAT WE KNOW BETTER. YOU KNOW, ARE WE WITHIN THE POWER TO DO THAT? WE SURE ARE. THAT'S WHAT'S GIVEN TO US. YOU KNOW, IN ANSWER TO A FEW THINGS THAT WERE BROUGHT UP EARLIER, SENATOR COASH TALKED ABOUT ALL THE EXAMPLES IN THE BIBLE THAT WE CAN USE, AND I AGREE WITH THEM, AND THAT IS A GREAT THING. SOMETHING THAT WAS WRITTEN 2000 YEARS AGO WE CAN OPEN THAT AND WE CAN REFER TO THAT TODAY AND IT STILL IS SOMETHING THAT WE CAN USE TO CHANGE OUR LIVES AND MAKE IT BETTER. SO HE IS 100 PERCENT RIGHT, AND I AGREE WITH HIM COMPLETELY. SENATOR GARRETT SAID THE SAME THING ABOUT HOW PEOPLE CAN CHANGE, AND HE IS ABSOLUTELY RIGHT. WE CAN ALL CHANGE. SO NONE OF US ARE PERFECT. OUR SYSTEM IS NOT PERFECT. IT'S BECAUSE WE'RE IMPERFECT PEOPLE. IT'S NEVER GOING TO BE PERFECT. BUT IF YOU DON'T LIKE OUR SYSTEM, YOU NEED TO GO SEE SOME OTHER SYSTEMS AROUND THE WORLD WHERE THESE THINGS THAT WERE DONE BY THIS RYAN GUY, THAT IS WHAT LEADERS USED TO DO IN OTHER COUNTRIES TO PEOPLE THAT DIDN'T FOLLOW THE RULES. SO THAT'S THE... YOU KNOW, THERE'S...WE TALK ABOUT THE LACK OF INJUSTICE, WELL, THOSE ARE THE THINGS THAT HAPPEN IN OTHER COUNTRIES. SO LET'S BE EXTREMELY BLESSED AND THANKFUL FOR WHAT WE HAVE BECAUSE WE'RE THE ONLY PLACE IN THE WORLD LIKE THIS. BUT LET'S NOT TAKE THOSE TOOLS AWAY FROM THOSE THAT NEED IT TO HELP UPHOLD THE LAW. SENATOR HAAR TALKED ABOUT OLD TESTAMENT CHRISTIANITY. [LB268]

SENATOR KRIST: ONE MINUTE. [LB268]

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SENATOR SCHNOOR: I GUESS I'D NEVER HEARD THAT. AND I WOULD SAY IF YOU'RE AN OLD TESTAMENT CHRISTIAN, THAT PROBABLY MAKES YOU JEWISH SINCE THAT IS WHAT THEY BELIEVE IN THE OLD TESTAMENT. THEY DON'T BELIEVE THAT JESUS CHRIST ROSE FROM THE DEAD. HE DIED ON THE CROSS TO SAVE US FROM OUR SINS. THAT'S WHAT I BELIEVE, SO I GUESS I CALL MYSELF A NEW TESTAMENT CHRISTIAN BECAUSE THAT'S THE...THOSE ARE THE THINGS THAT I HAVE TO LOOK FORWARD TO. SO THE DEBATE IS GOING TO CONTINUE. WE HAVE A LOT OF INFORMATION TO STILL GO OVER, ALL THE...WE HAVEN'T EVEN GONE OVER ALL OF THE PEOPLE ON DEATH ROW AND THE HEINOUS CRIMES THEY HAVE COMMITTED. AND WHEN I'M UP AGAIN, I WILL TALK ABOUT MORE ABOUT THINGS THAT PEOPLE HAVE DONE, THAT WE NEED TO HOLD THEM ACCOUNTABLE. WE NEED TO ENACT JUSTICE AND WE NEED TO GIVE OUR LEADERS...WE NEED TO GIVE THEM THE TOOLS TO DO THIS. SO THAT IS WHAT I'M GOING TO CONTINUE TALKING ABOUT. I WILL CONTINUE TO ANSWER THE QUESTIONS THAT HAVE BEEN BROUGHT UP. [LB268]

SENATOR KRIST: TIME, SENATOR. [LB268]

SENATOR SCHNOOR: THANK YOU, SIR. [LB268]

SENATOR KRIST: THANK YOU, SENATOR SCHNOOR. SENATOR COASH, YOU ARE RECOGNIZED. [LB268]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD STILL MORNING, COLLEAGUES. SENATOR McCOY, IF YOU WOULD PAY ATTENTION HERE, I THINK I HAVE SOME OF THE ANSWERS TO YOUR QUESTIONS. SENATOR McCOY ASKED WHY IN THE AMENDMENT DOES IT NOT SAY LIFE WITHOUT THE POSSIBILITY OF PAROLE. AND I ERRONEOUSLY STATED THAT THE AMENDMENT HAD THAT IN THERE; THAT'S NOT CORRECT. SENATOR McCOY IS RIGHT. THE LANGUAGE SAYS LIFE IMPRISONMENT. HERE'S THE REASON THAT THAT IS IN THERE. AND THERE WAS A SUPREME COURT CASE, AND I AM GOING TO FIND...IT'S GOING TO TAKE ME A LITTLE LONGER TO FIND THAT, BUT THERE WAS A SUPREME COURT CASE THAT SAID IF YOU PUT IN LIFE WITHOUT THE POSSIBILITY OF PAROLE, YOU USURP THE GOVERNOR'S AND THE PARDONS BOARD'S ABILITY TO COMMUTE A SENTENCE. THEREFORE, YOU ARE VIOLATING THE SEPARATION OF POWERS. IN A PRACTICAL SENSE, YOU CANNOT BE PAROLED UNLESS YOU ARE SENTENCED TO A TERM OF YEARS. WHEN YOU ARE CONVICTED OF A CAPITAL CRIME, A 1A FELONY, AND UNDER THIS BILL AND THE AMENDMENT YOU GET LIFE IMPRISONMENT, WHICH DOES NOT HAVE A TERM OF YEARS. IT SAYS YOU WILL

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SERVE NO LESS THAN LIFE, AND I GUESS NO MORE THAN LIFE. AND BY HAVING THAT AS THE SENTENCE, YOU DON'T HAVE A TERM OF YEARS. THEREFORE, THE PAROLE BOARD CAN'T SAY, WELL, YOU'VE SERVED HALF YOUR LIFE, BECAUSE WE DON'T KNOW WHEN THAT IS. SO AT THE END OF THE DAY, THEY WILL NEVER BE CALLED IN FRONT OF THE PAROLE BOARD BECAUSE THEY DON'T HAVE A TERM OF YEARS. AND I WANT TO SAY AGAIN, THE REASON THAT WE DON'T SEE LIFE WITHOUT THE POSSIBILITY OF PAROLE IS BECAUSE THAT USURPS THE PARDONS BOARD'S--WHICH IS THE GOVERNOR, THE ATTORNEY GENERAL, AND THE SECRETARY OF STATE--USURPS THEIR ABILITY TO COMMUTE A SENTENCE. I HOPE THAT ANSWERS THE QUESTION. I WANT TO MAKE SURE THAT'S ON THE RECORD. SINCE I DO HAVE SOME TIME HERE, I AM GOING TO MENTION A FEW THINGS. COLLEAGUES, WE'RE NOT GOING TO USE THE DEATH PENALTY ANYMORE IN THIS STATE. THE DRUG COMPANIES WHO WOULD SELL US THESE DRUGS HAVE DECIDED NOT TO DO SO. WE COULD GO THE ROUTE OF OTHER STATES AND START MAKING OUR OWN. I DON'T SEE THAT HAPPENING. I WANT TO TALK ABOUT...WE'VE HAD SOME TALKS ABOUT THE APPEALS PROCESS AND HERE'S MY COMMENT ON THAT. BEEN ON THE JUDICIARY NOW SEVEN YEARS AND NOT ONCE HAS A MEMBER EVER BROUGHT A BILL THAT SAID, YOU KNOW WHAT, I'M SICK OF THESE APPEALS, HERE'S A BILL TO GET RID OF THEM SO WE CAN EXECUTE PEOPLE MORE QUICKLY. NOT ONCE HAS THAT BILL BEEN BROUGHT IN MY TIME. I WILL LET SENATOR CHAMBERS TALK ABOUT HIS EXPERIENCE. HE'S BEEN ON THAT COMMITTEE A LOT LONGER THAN I HAVE. BUT THERE'S A REASON THAT SENATORS DON'T BRING THOSE BILLS. WE HAD FOUR YEARS WITHOUT SENATOR CHAMBERS. THAT WOULD HAVE BEEN A PERFECT TIME TO HAVE THOSE BILLS BROUGHT AND TO SAY, YOU KNOW WHAT, WE'RE GOING TO REDUCE THESE APPEALS. BUT WE DIDN'T DO THAT BECAUSE IT WOULD BE SUSPECT AND ULTIMATELY I DON'T THINK IT WOULD BE FOUND LAWFUL UNDER A COURT. [LB268]

SENATOR KRIST: ONE MINUTE. [LB268]

SENATOR COASH: WE HAVE IN MY TIME HERE, PROBABLY AS A BODY, MAYBE THE MOST ADAMANT SUPPORTERS OF THE DEATH PENALTY THAT HAS OCCURRED IN A NUMBER OF YEARS, AND THEY ALL HAD THEIR REASONS FOR THAT. BUT THEY DIDN'T BRING THAT BILL EITHER. SO JUST KEEP THAT IN MIND. THE DETERRENCE EFFECT, I JUST...I WANT TO MENTION FOR A MINUTE. TEXAS PUTS PEOPLE TO DEATH FREQUENTLY. AND THEIR MURDER RATE HAS NOT GONE DOWN IN ANY MEASURE AS A RESULT OF THE NUMBER OF PEOPLE THEY DECIDE TO PUT TO DEATH. COME ON, THESE ARE CRIMINALS. DO YOU REALLY THINK THEY'RE THINKING AHEAD? REALLY THINK THEY'RE DOING THE...WE'VE HAD

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PLENTY OF EXAMPLES OF THE HEINOUS THINGS THAT HAVE HAPPENED. DO YOU THINK SOMEBODY WHO COULD DO THOSE THINGS IS CAPABLE OF THINKING AHEAD ENOUGH TO SAY, YOU KNOW WHAT, MAYBE IF I DO THAT I'LL GET THE DEATH PENALTY, AND I'LL CHANGE MY MIND? [LB268]

SENATOR KRIST: TIME, SENATOR. [LB268]

SENATOR COASH: THANK YOU, MR. PRESIDENT. [LB268]

SENATOR KRIST: THANK YOU, SENATOR COASH. (VISITORS INTRODUCED.) THOSE WISHING TO SPEAK: SENATOR KINTNER, GROENE, SCHEER, CHAMBERS, GARRETT, AND OTHERS. SENATOR KINTNER, YOU ARE RECOGNIZED. [LB268]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. YOU KNOW, WE HAD A SENATOR EARLIER TALK ABOUT RACIAL DISPARITIES. AND I GUESS BY THE TIME SHE WAS DONE TALKING, IT SOUNDED LIKE THAT WE WERE GROSSLY UNFAIR TO PEOPLE WHO ARE OF ANY KIND OF MINORITY. SO GOING BACK AND LOOKING AT WHAT'S BEEN DONE ON THIS, IS THE LEGISLATURE ACTUALLY IN 2001 COMMISSIONED A STUDY. I'M HOLDING IT IN MY HAND RIGHT HERE. AND THEY WANTED TO LOOK AT DISPOSITION OF THE NEBRASKA CAPITAL AND NONCAPITAL HOMICIDE CASES FROM '73 TO '99; A LEGAL, EMPIRICAL ANALYSIS, AUTHORIZED BY THIS LEGISLATURE. AND THEY WANTED TO, I AM READING (INAUDIBLE) RESEARCH WAS UNDERTAKEN PURSUANT TO A DECISION BY THE NEBRASKA LEGISLATURE TO SUPPORT A STUDY OF NEBRASKA'S HOMICIDES WITH A FOCUS ON FAIRNESS. THE PRINCIPAL FOCUS OF THE REPORT IS ON DECISION MAKING BETWEEN '73 AND '99 IN 175 DEATH-ELIGIBLE HOMICIDES THAT RESULTED IN 185 PROSECUTIONS AND 29 DEATH SENTENCES. I'VE GOT IT RIGHT HERE. WHAT THEY FOUND OUT WAS IT DID NOT HAVE A RACIAL DISPARITY; THAT FOR THE MOST PART IT WAS APPLIED EVENLY TO EVERYBODY. AND THAT'S THE ONLY STUDY THAT WE'VE HAD IN OUR STATE THAT ACTUALLY DEALS WITH THIS. BUT FOR SOMEONE TO COME UP AND SAY THIS IS UNFAIR, THAT IT'S NOT APPLIED EVENLY, WELL, WE DON'T HAVE THAT INFORMATION. THE BEST WE HAVE IS WHAT THE LEGISLATURE CAME UP WITH AND I'M HOLDING IT IN MY HAND, AND ANYONE WHO WANTED TO LOOK AT IT IS FREE TO LOOK AT IT. NOW WE'VE TALKED ABOUT A FEW CASES HERE. I WANT TO GO THROUGH A FEW MORE CASES BECAUSE THIS STUFF IS JUST ABSOLUTELY BEYOND WHAT ANYONE WOULD WANT TO TALK ABOUT AT A DINNER TABLE. LET'S GO BACK TO 1979. I'M A HIGH SCHOOL STUDENT. HAROLD LaMONT OTEY WAS SENTENCED TO DEATH AFTER HE WAS CONVICTED OF FIRST-DEGREE

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MURDER IN PERPETUATION (SIC) OF A SEXUAL ASSAULT IN THE FIRST DEGREE. WHILE WALKING HOME FROM THE AK-SAR-BEN RACETRACK AFTER DRINKING WITH FRIENDS LATE IN THE NIGHT, OTEY LOOKED THROUGH A VICTIM'S HOUSE AND NOTICED HER SLEEPING ON THE SOFA. OTEY ENTERED THE HOME, STOLE HER STEREO, CARRIED IT OUTSIDE, REENTERED THE HOME AND WHERE SHE CONFRONTED HIM. AND HE SAID, I'M GOING TO ROB YOU. SHE HAD NO MONEY, SO HE SAID HE WAS GOING TO RAPE HER. HE KNOCKED THE VICTIM ON THE COUCH, PULLED OUT AN 11-INCH KNIFE AND, WITH A THREE-QUARTER-INCH BLADE, CUT THE VICTIM'S FOREHEAD JUST TO SHOW HER HE WASN'T KIDDING. AFTER CUTTING THE FOREHEAD HE TOOK THE VICTIM DOWNSTAIRS WHERE HE PROCEEDED TO SEXUALLY ASSAULT HER. THEREAFTER, HE FORCED THE VICTIM TO WALK BACK UPSTAIRS, GET MONEY FROM HER PURSE, AND HE TOOK THE MONEY. HE THEN STARTED TO STAB THE VICTIM, WHO PLEADED FOR HIM TO NOT KILL HER. SHE PLEADED FOR MERCY. HE STABBED HER AT LEAST 15 TIMES, BUT SHE WAS STILL ALIVE. HE THEN TOOK A HAMMER FROM THE TOP OF THE VICTIM'S DRESSER, HIT THE VICTIM ON THE HEAD FOUR OR FIVE TIMES, BUT HE WAS STILL NOT SURE SHE WAS DEAD. HE THEN TOOK THE VICTIM'S OWN BELT AND STRANGLERED HER. THE VICTIM WAS FOUND TO HAVE DIED A SUBSTANTIAL PERIOD OF TIME AFTER THE INITIAL STABBING. [LB268]

SENATOR KRIST: ONE MINUTE. [LB268]

SENATOR KINTNER: HE COVERED THE VICTIM'S FACE AFTER HE KILLED HER. IN RESPONSE TO THE INQUIRY WHY HE COVERED HER FACE HE SAID, I COULDN'T STAND THE SIGHT. HE WAS PUT TO DEATH SEPTEMBER 2, 1994. REMEMBER THAT NAME, HAROLD LaMONT "WILI" OTEY. AND, MR. PRESIDENT, I'LL BE BACK WITH A FEW MORE. THANK YOU. [LB268]

SENATOR KRIST: THANK YOU, SENATOR KINTNER. SENATOR GROENE, YOU'RE RECOGNIZED. [LB268]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I'M A FISCAL CONSERVATIVE, BUT MONEY ISN'T A FACTOR IN THIS DEBATE. HOW DO YOU PUT A PRICE ON PROTECTING THE INNOCENT FROM EVIL? IF THE PRICE COST IS YOUR CONCERN, THEN LET'S FIX THE DEATH PENALTY. LET'S FIX THE REPEAL PROCESS. LET'S GIVE THE CONVICT, WHO CHOSE HIS FATE BY DOING THE ACT THAT HE CHOSE TO DO, LET'S GIVE HIM A QUICK TRIAL. LET'S PUT INTO...LET'S GIVE HIM WHAT HE WISHES. LET'S GIVE HIM HIS JUST REWARD. THAT COULD BE DONE IN THIS BODY, AND THOSE WHO HAVE TALKED ABOUT FINANCIAL CONCERNS I'M SURE

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WILL SUPPORT ANY EFFORT MAYBE NEXT YEAR THROUGH THE JUDICIARY SYSTEM NOW THAT WE'RE GOING TO HAVE THE PRISONS ALL FIXED UP. IF THIS IS A CONCERN AND A FINANCIAL STRAIN, THEN LET'S FIX IT. LET ME REITERATE, THOSE ON DEATH ROW CHOOSE TO BE THERE. IT WOULD BE THE EASY ROUTE AND SAY...AND LOOK THE OTHER WAY AND SAY, WELL, I'M NOT...I'M ABOVE THAT AND I DON'T THINK WE NEED TO PUNISH THEM BECAUSE I DON'T WANT TO BE A PART OF THAT. WELL, THAT'S FINE. BUT SOME OF US HAVE TO STAND FORWARD AND SAY, WE HAVE TO PROTECT THE INNOCENT FROM EVIL. AND THE DEATH PENALTY DOES THAT. IT SENDS A MESSAGE THAT WE DO NOT TOLERATE CERTAIN BEHAVIORS IN OUR SOCIETY; THAT FOR THE GREATER GOOD WE REMOVE THAT EVIL FROM SOCIETY. HOW DOES THE VICTIM'S FAMILY KNOW WHEN SOMEBODY 20 YEARS OLD GETS PUT ON DEATH ROW OR IN PRISON FOR LIFE THAT 50 YEARS LATER ANOTHER GENERATION, WHEN WE'RE GONE, MOST OF US TO LIFE SPANS AHEAD OF US, THAT ANOTHER GENERATION OF LEGISLATORS COME IN HERE AND SAY, WELL, WE DON'T HAVE THE MEMORY OF WHAT HAPPENED, HOW HEINOUS THAT CRIME WAS. WE'VE GOT A PRISON PROBLEM. LET'S RELEASE THESE GUYS. THEY'RE 70 YEARS OLD. EVIL DON'T FOLLOW AGES, FOLKS. IT DON'T GET BETTER WITH LIFE. YOU DON'T BECOME A BETTER PERSON BECAUSE YOU AGE. WHAT'S TO STOP THAT FELLOW GENERATION OF LEGISLATORS SAY, WE GOT A PROBLEM, IT'S COSTLY TO KEEP THESE GUYS IN JAIL; LET'S LET THEM OUT, THAT WAS A LONG TIME AGO? HOW CAN WE ASSURE THE FAMILIES THAT THIS WON'T HAPPEN? THERE'S ONLY ONE WAY TO DO THAT, FOLKS. TAKE THE RESPONSIBILITY THIS GENERATION. THIS GENERATION TAKES CARE OF THE EVIL AMONGST US AND WE REMOVE IT FROM US. THERE'S NOTHING UNCHRISTIAN OR BIBLICAL AGAINST THE DEATH PENALTY. OUR DAYS ARE NUMBERED, AND WHEN YOU'RE A CRIMINAL WHO CREATES A CRIME YOU HAVE NUMBERED YOUR DAYS. THAT WARRANTS THE DEATH PENALTY. THEY HAVE CHOSEN TO DO THAT; NOT I. THEY HAVE CHOSEN TO PUT THEMSELVES ON DEATH ROW. I YIELD ANY TIME I HAVE REMAINING TO SENATOR KINTNER. [LB268]

SENATOR KRIST: SENATOR KINTNER, 1:30. [LB268]

SENATOR KINTNER: THANK YOU, SENATOR GROENE, FOR THAT. I APPRECIATE IT. I WANTED TO START WALKING THROUGH WHAT THE DEATH PENALTY PROCESS IS. I'M NOT SURE WE'RE GOING TO HAVE ENOUGH TIME TO GET THROUGH IT, BUT THERE IS A PROCESS AFTER A DEATH SENTENCE BY DISTRICT COURT FOR FIRST-DEGREE MURDER, AND IT'S PRETTY LENGTHY. I WANT TO GO THROUGH IT. I'LL TELL YOU WHAT. I'LL GO THROUGH IT THE NEXT TIME THAT I COME TO THE MIKE AND KIND OF WALK THROUGH IT. WE WENT THROUGH THE APPEALS

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PROCESS EARLIER. I'M GOING TO GO THROUGH EXACTLY WHAT HAPPENS IN OUR DISTRICT COURT HERE IN NEBRASKA FOR FIRST-DEGREE MURDER, AND WE'LL DO THAT IN A LITTLE BIT. THANK YOU, MR. PRESIDENT. [LB268]

SENATOR KRIST: THANK YOU, SENATOR KINTNER. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB268]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. COULD I ASK IF SENATOR CHAMBERS COULD YIELD FOR A QUESTION OR TWO, PLEASE? [LB268]

SENATOR KRIST: SENATOR CHAMBERS, WILL YOU YIELD? [LB268]

SENATOR CHAMBERS: YES. [LB268]

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS. I'M LOOKING AT INFORMATION, I THINK PERHAPS YOU AND SENATOR BLOOMFIELD MIGHT HAVE JUST DISCUSSED THIS. PREFACING AGAIN, I'M NOT AN ATTORNEY SO I'M JUST TRYING TO FIGURE OUT EXACTLY WHAT I'M LOOKING AT. IN THE INFORMATION YOU HANDED OUT THIS MORNING YOU HAD THE TOTAL NUMBER OF SENTENCED TO DEATH, AND THEN YOU WENT TOTAL NUMBERS AND THEN YOU BROKE IT DOWN BY RACES. IN EACH ONE OF THOSE THERE WAS AREA OF COMMUTED. WHAT DOES THAT MEAN WHEN YOU'RE LOOKING AT THE TOTAL NUMBER SENTENCED TO DEATH IS 72 FROM '03 TO '10, AND THEN EXECUTED BY THAT...WHATEVER METHOD, AND THE NEXT ITEM IS COMMUTED. CAN YOU EXPLAIN WHAT THAT WOULD BE, PLEASE? [LB268]

SENATOR CHAMBERS: THE TERM "COMMUTED" MEANS THAT THE DEATH PENALTY, THE DEATH SENTENCE IS DONE AWAY WITH. THE CONVICTION REMAINS, THE PERSON REMAINS LOCKED UP, BUT IS NOT FACING THE DEATH PENALTY. SO GENERALLY THE FULL TERM WOULD BE COMMUTED TO A TERM OF YEARS OR TO LIFE. BUT IT DOESN'T MEAN THEY ARE RELEASED. [LB268]

SENATOR SCHEER: THEN IF THEY...IF BY COMMUTED THEY ARE SWITCHED TO A YEAR TERM, WOULD IT BE POSSIBLE THEN FOR THEM TO SERVE THAT TERM THROUGH WHATEVER MECHANISM OF TIME SERVED VERSUS...AND AGAIN, I'M NOT... [LB268]

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SENATOR CHAMBERS: WELL, WHEN A PERSON HAS THE DEATH SENTENCE AND THAT IS COMMUTED, IT IS CHANGED TO LIFE, NOT A TERM OF YEARS, LIFE. AND THE ONLY WAY THAT THAT LIFE SENTENCE CAN BE CHANGED TO A TERM OF YEARS IS IF THE PARDONS BOARD DOES SO. AND THE PARDONS BOARD, PURSUANT TO THE POWER GIVEN TO IT UNDER THE CONSTITUTION, COULD LET SOMEBODY RIGHT OFF DEATH ROW OUT COMPLETELY. BUT BEFORE A PERSON COULD EVER BE CONSIDERED FOR PAROLE, EVEN, THE PARDONS BOARD WOULD HAVE TO MEET AND CHANGE THAT LIFE SENTENCE TO A TERM OF YEARS. THEN WHATEVER THAT TERM OF YEARS WOULD BE WOULD BE SUBJECT TO THE WAY THE LAW SAYS PAROLE SHOULD BE DETERMINED. FOR EXAMPLE, IF IT WAS COMMUTED TO 100 YEARS, THAT IN EFFECT MEANS THAT PERSON IS NEVER GOING TO GET OUT OF PRISON. [LB268]

SENATOR SCHEER: SO COULD THE PAROLE BOARD COMMUTE EVERYONE THAT WOULD HAVE A DEATH SENTENCE? [LB268]

SENATOR CHAMBERS: THE PAROLE BOARD HAS NO POWER TO COMMUTE A SENTENCE. THE ONLY ENTITY THAT CAN COMMUTE A SENTENCE, THAT MEANS YOU FORGIVE, YOU LESSEN IT, YOU REDUCE IT, IS THE PARDONS BOARD. [LB268]

SENATOR SCHEER: I'M SORRY. I MEANT THE PARDONS BOARD. SO TO THE... [LB268]

SENATOR CHAMBERS: ASK ME AGAIN THEN. [LB268]

SENATOR SCHEER: I APOLOGIZE AGAIN, SENATOR CHAMBERS. [LB268]

SENATOR CHAMBERS: WELL, MAYBE THIS WILL MAKE IT CLEAR. IN OTHER STATES THE GOVERNOR HAS FULL POWER TO GRANT PARDONS, SO THE GOVERNOR CAN DETERMINE WHETHER THE PERSON IS PARDONED IN THE SENSE OF BEING RELEASED, THE SENTENCE WILL BE MITIGATED, CHANGED FROM DEATH TO LIFE OR CHANGED TO A TERM OF YEARS. THAT'S ALL UP TO WHOEVER HAS THE POWER OF COMMUTATION. THE LEGISLATURE CANNOT DO THAT. IT'S WHY A LAW THAT WOULD ABOLISH THE DEATH PENALTY COULD NOT BE APPLIED RETROACTIVELY TO CHANGE THE DEATH SENTENCE OF PEOPLE WHO ARE ON DEATH ROW. THERE SIMPLY WOULDN'T BE ANY WAY TO CARRY OUT THAT SENTENCE. BUT THE ABOLITION OF THE DEATH PENALTY, AND THERE'S AN ARTICLE IN THERE DEALING WITH MARYLAND WHERE THEIR

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GENERAL ASSEMBLY ABOLISHED THE DEATH PENALTY BUT IT LEFT FIVE PEOPLE STILL ON DEATH ROW. [LB268]

SENATOR SCHEER: OKAY. AND ARE YOU FAMILIAR... [LB268]

SENATOR KRIST: ONE MINUTE. [LB268]

SENATOR SCHEER: THANK YOU, MR. SPEAKER OR MR. PRESIDENT. OF THOSE THAT WERE COMMUTED, WERE THOSE 31, WERE THEY COMMUTED TO LIFE SENTENCES OR TO YEAR SENTENCES? [LB268]

SENATOR CHAMBERS: I HAVE NO WAY OF KNOWING. IF THEY WERE A LONG TIME AGO, I DON'T EVEN KNOW...YOU MIGHT WOULD HAVE TO GO TO THE HISTORICAL SOCIETY AND SEE IF THERE ARE DOCUMENTS THAT YOU COULD LOOK AT TO GET ANSWERS TO THAT QUESTION. BUT THERE MIGHT BE AN UNDERLYING QUESTION YOU WANT TO ASK ME THAT I DON'T KNOW WHETHER YOU'RE ASKING ME. ARE YOU REALLY TRYING TO ASK ME, DO THEY GET RELEASED? [LB268]

SENATOR SCHEER: NO, NO, NOT AT ALL, SIR. [LB268]

SENATOR CHAMBERS: OH. OKAY. [LB268]

SENATOR SCHEER: NO, I WAS JUST TRYING TO FIGURE OUT HOW THE PROCESS WORKED AND I'VE HEARD TERMINOLOGY BUT I'M NOT NECESSARILY SURE THAT MY INTERPRETATION OF IT WOULD BE CORRECT SO I WANTED JUST TO MAKE SURE THAT I UNDERSTOOD WHAT THESE TERMS WERE MEANING IN ITSELF. [LB268]

SENATOR CHAMBERS: OKAY. AND IF I DIDN'T ANSWER IT, NEXT TIME YOU CAN PIN ME DOWN MORE. [LB268]

SENATOR SCHEER: NO, I APPRECIATE IT SO MUCH. [LB268]

SENATOR CHAMBERS: OKAY. [LB268]

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SENATOR SCHEER: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR CHAMBERS. [LB268]

SENATOR KRIST: THANK YOU, SENATOR SCHEER AND SENATOR CHAMBERS. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB268]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. I SAID I WAS GOING TO GET SOME THINGS INTO THE RECORD. AND I'VE LISTENED. THIS IS LIKE A TIME WARP. NEW PEOPLE ARE HERE. THEY HAVEN'T BEEN INVOLVED IN THE DISCUSSIONS. THEY DON'T KNOW WHAT HAS HAPPENED WITH THE DEATH PENALTY EITHER IN NEBRASKA OR AROUND THE COUNTRY. THEY'RE NOT AWARE THAT SOME FEDERAL DISTRICT COURTS ARE VERY OPPOSED TO THE DEATH PENALTY AND THEY ARE GOING TO DO EVERYTHING THEY CAN TO OVERTURN THEM. THERE ARE SOME CIRCUIT COURTS THAT ARE THE SAME WAY. AND IF YOU LOOK AT SOME OF THE MATERIAL I GAVE YOU, YOU'LL SEE WHERE THE GOVERNOR OF PENNSYLVANIA PUT A MORATORIUM ON CARRYING OUT EXECUTIONS. IF YOU LOOK AT THE LAST THREE PARAGRAPHS YOU WILL SEE THAT, I THINK, THE CIRCUIT IS THE THIRD U.S. CIRCUIT WHERE THE JUDGES ON THAT FEDERAL CIRCUIT ARE VERY HOSTILE TO THE DEATH PENALTY. BEING JUDGES, THEY SEE HOW DISCRIMINATORY THIS PENALTY IS. SENATOR KINTNER SAYS WHAT HE SAYS BECAUSE HE'S NOT AWARE OF WHAT'S HAPPENING WITH THE DEATH PENALTY--FEDERAL JUDGES ACKNOWLEDGE IT, CONGRESS ACKNOWLEDGES IT--THE RACIAL ASPECT TO IT. THE REPORT HE CITED, HE DOESN'T KNOW MUCH ABOUT IT BECAUSE HE WASN'T HERE SO HE COULDN'T KNOW. BUT THE ONE WHO DID THE REPORT WHEN IT WAS RELEASED WAS NOT AVAILABLE IN NEBRASKA, BECAUSE HE CONVENIENTLY WAS ON VACATION, BECAUSE QUESTIONS HAD BEEN RAISED ABOUT THE METHODOLOGY HE USED, THE CONCLUSIONS HE ARRIVED AT. SO HE NEVER ANSWERED QUESTIONS THAT WERE RAISED ABOUT THAT REPORT. BUT WHOEVER IS FEEDING SENATOR KINTNER THIS INFORMATION--IT MIGHT BE THE ATTORNEY GENERAL, I DON'T KNOW--MUCH OF IT IS MISLEADING. THE ATTORNEY GENERAL HAD A PIECE OF PAPER SENT AROUND TALKING ABOUT THE COST. ALL THAT HE DEALT WITH WAS THE COST TO THE ATTORNEY GENERAL WHEN THEY HANDLE APPEALS, EITHER AT THE SUPREME COURT LEVEL OF THE STATE OR IN FEDERAL COURT. HE DID NOT MENTION THE HUGE EXPENSES THAT ARE GENERATED AT THE TRIAL LEVEL WHERE AN APPOINTED ATTORNEY IS PAID FOR BY THE TAXPAYERS. THAT'S NOT GOING TO APPEAR IN THE ATTORNEY GENERAL'S BUDGET. IT'S GOING TO BE AT THE COUNTY LEVEL, AND THEY ARE GOING TO PAY. THERE WAS ONE COUNTY, IT MIGHT HAVE BEEN WHERE RULO WAS, THAT WAS GOING BROKE BECAUSE THEY WERE PROSECUTING THAT CASE AGAINST MICHAEL RYAN. AND THEY HAD TO

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COME TO THE LEGISLATURE TO GET AN APPROPRIATION BECAUSE THE COST WAS SO HIGH. YOU HAVE A BRAND NEW MAN AS ATTORNEY GENERAL. HE DOESN'T KNOW THIS. ALL HE HAS IS THE TITLE AND PEOPLE ARE LISTENING TO WHAT HE SAYS, ATTRIBUTING TO HIM KNOWLEDGE. BUT HE DOES NOT KNOW WHAT HE'S TALKING ABOUT. SO HE MIGHT SAY, WE HAVE ONE APPEAL HERE ON A DEATH CASE, BUT HE'S NOT TALKING ABOUT ALL OF THE LOWER COURT PROCEEDINGS THAT DO RUN INTO CONSIDERABLE MONEY. SO LET'S SAY YOU HAVE AN APPEAL AT THE STATE SUPREME COURT LEVEL AND THEY SEND IT BACK FOR A NEW TRIAL. WHEN THE TRIAL OCCURS, THAT PERSON IS REPRESENTED BY AN ATTORNEY. THERE IS A PROVISION FOR EXPERT WITNESSES IF THEY'RE NEEDED, MONEY FOR INVESTIGATORS IF THEY ARE NEEDED, BECAUSE THE U.S. SUPREME COURT HAS SAID DEATH CASES ARE DIFFERENT FROM ANY OTHER PROCEEDINGS AND THERE ARE STEPS THAT MUST BE TAKEN. THAT'S WHY A LOT OF TIME IS TAKEN, NOT BECAUSE THE STATES CARE BUT BECAUSE THE FEDERAL COURTS HAVE DICTATED THAT. SO IF YOU REALLY WANT TO GET INTO THE NUTS AND THE BOLTS OF THE COST, GET SOME OF THESE STUDIES THAT WERE DONE BY EVERY STATE, BY THE STATES WHO CONDUCTED THEM, AND EVERY ONE COMES BACK SHOWING WHY AND HOW IT COSTS MORE TO GET SOMEBODY EXECUTED THAN IT DOES TO KEEP THEM IN PRISON FOR THEIR LIFE. [LB268]

SENATOR KRIST: ONE MINUTE. [LB268]

SENATOR CHAMBERS: THAT IS THE INFORMATION. THE ATTORNEY GENERAL IS DISINGENUOUS, HE IS UNETHICAL. AND IF HE BELIEVES WHAT HE'S SAYING ON THAT LITTLE PIECE OF PAPER HE IS IGNORANT ABOUT THE LAW AS IT ADDRESSES CAPITAL CASES. BUT YOU ALL GET THAT PIECE OF PAPER, YOU READ FROM IT AND YOU SAY, THIS IS WHAT THE ATTORNEY GENERAL SAID AND THAT'S THE WAY IT IS. SO I'M GOING TO RUB IT IN LIKE I'VE DONE BEFORE. HAD I ACCEPTED WHAT AN IGNORANT ATTORNEY GENERAL SAID YOU ALL WOULD NOT GET EXPENSES NOW, BECAUSE I WENT AGAINST SEVERAL ATTORNEYS GENERAL OPINIONS TO GET YOU ALL EXPENSES AND THE NEBRASKA SUPREME COURT UPHELD THE POSITION THAT I TOOK AND THAT THE LEGISLATURE TOOK IN ENACTING LEGISLATION TO SEE THAT WE COULD GET EXPENSES WHILE WE'RE IN SESSION. AND THAT WENT AGAINST WHAT ALL THESE ATTORNEYS GENERAL HAD SAID. I DECIDED I'M GOING TO BEGIN SPEAKING BECAUSE THERE'S SO MUCH MISINFORMATION BEING PRESENTED. THANK YOU, MR. PRESIDENT. [LB268]

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SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. THOSE STILL WISHING TO SPEAK: SENATOR GARRETT, SENATOR McCOY, SENATOR McCOLLISTER, SENATOR RIEPE, AND OTHERS. SENATOR GARRETT, YOU'RE RECOGNIZED. [LB268]

SENATOR GARRETT: THANK YOU, MR. PRESIDENT. YOU KNOW, THE FOLKS WHO ARE OPPOSING THE REPEAL OF THE DEATH PENALTY, THEY GET UP HERE AND TELL US ABOUT ALL THESE HEINOUS CRIMES THAT HAVE BEEN COMMITTED BY PEOPLE. WE DON'T DENY THEY'RE HEINOUS CRIMES COMMITTED BY FOLKS, BUT YOU'RE NOT MAKING AN ARGUMENT. WHAT YOU'RE DOING IS YOU'RE STATING THE GRAPHIC DETAILS OF SOME HEINOUS CRIMES. AND WE KNOW THERE ARE HEINOUS CRIMES AND PEOPLE SHOULD PAY THE PRICE FOR THAT, BUT THEY SHOULD NOT PAY FOR THEIR LIFE. BUT SINCE YOU WANT TO TALK ABOUT CASES LIKE THAT, OVER 70 YEARS AGO 14-YEAR-OLD GEORGE JUNIUS STINNEY, JR., WAS PUT TO DEATH BY THE STATE OF SOUTH CAROLINA. HE WAS RECENTLY CLEARED OF THE CRIME IN DECEMBER OF 2014, OVER 70 YEARS LATER. A LAWYER AND AN ACTIVIST TOLD A REPORTER ABOUT NEW EVIDENCE THAT SHOWED THAT THE BLACK BOY COULD NOT HAVE POSSIBLY MURDERED TWO WHITE GIRLS, 11-YEAR-OLD BETTY JUNE BINNICKER AND 7-YEAR-OLD MARY EMMA THAMES. STINNEY, THE YOUNGEST PERSON TO RECEIVE THE DEATH PENALTY IN THE LAST 100 YEARS, WAS EXECUTED ON JUNE 16, 1944. AT 5 FEET 1 INCH AND ONLY 95 POUNDS, THE STRAPS OF THE ELECTRIC CHAIR DID NOT FIT THE BOY. HIS FEET COULD NOT TOUCH THE FLOOR AND HE WAS HIT...AS HE WAS HIT WITH THE FIRST 2,400-VOLT SURGE OF ELECTRICITY, THE MASK COVERING HIS FACE SLIPPED OFF, QUOTE, REVEALING THE WIDE OPEN, TEARFUL EYES AND SALIVA COMING FROM HIS MOUTH. AFTER TWO MORE JOLTS OF ELECTRICITY, THE BOY WAS DEAD. LESS THAN THREE MONTHS EARLIER, STINNEY, WHO HAD NO PREVIOUS HISTORY OF VIOLENCE, HAD BEEN ACCUSED OF THE CRIME AFTER HE ADMITTED SPEAKING TO THE GIRLS WHEN THEY STOPPED BY A FIELD IN ALCOLU, WHERE HE WAS GRAZING HIS COW, TO ASK IF THEY COULD FIND SOME...HELP FIND SOME MAYPOPS, A TYPE OF FLOWER. AUTHORITIES ALLEGED STINNEY HAD USED A RAILROAD SPIKE TO SHATTER BOTH OF THE GIRLS' HEADS. THE BOY WAS TAKEN INTO A ROOM WITH SEVERAL WHITE OFFICERS AND WITHIN AN HOUR THEY SAID HE HAD CONFESSED. BECAUSE THERE WERE NO MIRANDA RIGHTS IN 1944, STINNEY WAS QUESTIONED WITHOUT A LAWYER AND HIS PARENTS WERE NOT ALLOWED INTO THE ROOM. NO WRITTEN CONFESSION EXISTS, ONLY A FEW HANDWRITTEN NOTES, A DEPUTY WHO WAS PRESENT DURING...FROM A DEPUTY WHO WAS PRESENT DURING THE INTERROGATION. THEY CLAIMED THAT STINNEY HAD SAID HE KILLED MARY EMMA BECAUSE HE WANTED TO HAVE SEX WITH BETTY JUNE. WHEN BETTY JUNE RESISTED HIS ADVANCES, AUTHORITIES SAID HE MURDERED HER TOO. REPORTS THAT THE

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OFFICERS HAD OFFERED THE BOY ICE CREAM FOR CONFESSING TO THE CRIMES. A MOB OF ABOUT 40 ANGRY WHITE MEN SHOWED UP AT THE JAIL DEMANDING TO LYNCH STINNEY, BUT HE HAD ALREADY BEEN MOVED 50 MILES AWAY TO COLUMBIA. EVEN THOUGH STINNEY'S FATHER HAD HELPED SEARCH FOR THE GIRLS WHEN THEY WENT MISSING, HE WAS FIRED AND FORCED TO LEAVE HIS HOME PROVIDED BY ALDERMAN'S LUMBER MILL WHERE HE WORKED. THE COURT APPOINTED 31-YEAR-OLD CHARLES PLOWDEN, A TAX COMMISSIONER, TO DEFEND STINNEY. PLOWDEN HAD POLITICAL ASPIRATIONS, AND THE TRIAL WAS A HIGH-WIRE ACT FOR HIM. HIS DILEMMA WAS HOW TO PROVIDE ENOUGH DEFENSE SO THAT HE COULD NOT BE ACCUSED OF INCOMPETENCE BUT NOT BE SO PASSIONATE THAT HE WOULD ANGER THE LOCAL WHITE VOTERS THAT WOULD ONE DAY VOTE FOR HIM. PLOWDEN DID NOT CROSS-EXAMINE ANY OF THE PROSECUTION'S WITNESSES NOR DID HE CALL ANY WITNESSES FOR THE DEFENSE. HIS ENTIRE ARGUMENT WAS THAT STINNEY WAS TOO YOUNG TO BE HELD RESPONSIBLE FOR THE CRIME. BUT UNDER SOUTH CAROLINA LAW AT THE TIME, 14 WAS CONSIDERED TO BE THE AGE OF LIABILITY. THE TRIAL WAS OVER TWO HOURS AFTER IT BEGAN. A JURY OF 12 WHITE MEN DELIBERATED FOR TEN MINUTES BEFORE CONVICTING STINNEY. PLOWDEN LATER TOLD THE JUDGE THAT THERE WAS NOTHING TO APPEAL AND THE STINNEY FAMILY COULD NOT AFFORD TO CONTINUE THE CASE. A ONE-SENTENCE NOTICE OF APPEAL WOULD HAVE AUTOMATICALLY STAYED THE COURSE FOR A YEAR. CORONER THIGPEN HAD TESTIFIED THAT WHILE THERE WAS NO EVIDENCE OF RAPE, HE COULD NOT RULE IT OUT--AN INFLAMMATORY STATEMENT THAT WOULD NORMALLY HAVE BEEN SUBJECTED TO CROSS-EXAMINATION. ONLY 83 DAYS AFTER BEING ACCUSED OF THE CRIME, STINNEY WAS PUT TO DEATH. [LB268]

SENATOR KRIST: ONE MINUTE. [LB268]

SENATOR GARRETT: ACTIVIST GEORGE...THANK YOU, MR. PRESIDENT. ACTIVIST GEORGE FRIERSON, WHO IS ALSO FROM THAT TOWN, SAID HE HAD COME ACROSS THE CASE ABOUT FIVE AND A HALF YEARS AGO WHILE DOING BLACK HISTORICAL RESEARCH AND WAS FASCINATED EVER SINCE. THE FACT THAT HE WAS 14 JUST ASTOUNDS ME, FRIERSON TOLD THE REPORTER. I'M A MILITARY VETERAN AND I ALWAYS TELL PEOPLE THAT THE TWO THINGS THAT WE PROTECT IS OUR ELDERS AND OUR CHILDREN. AND TO HAVE THIS HAPPEN TO A 14-YEAR-OLD CHILD WAS APPALLING. I WAS BORN IN ALCOLU, WHERE HE WAS LIVING AT THE TIME OF THE INCIDENT, AND IT HAS ALWAYS BEEN TALKED ABOUT IN THE COMMUNITY. IN FACT, THERE'S BEEN A PERSON THAT HAS BEEN NAMED AS BEING THE CULPRIT WHO IS NOW DECEASED, AND IT HAS BEEN SAID BY THE FAMILY THERE WAS A DEATHBED CONFESSION. HE ADDED THAT THE

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RUMORED CULPRIT HAD COME FROM A WELL-KNOWN, PROMINENT WHITE FAMILY. ANOTHER MEMBER OF THAT SAME FAMILY HAD SERVED ON THE CORONER'S INQUEST JURY. I HAVE A PROBLEM WITH THE DEATH PENALTY BECAUSE IT IS IRREVERSIBLE. YOU FIND OUT LATER THAT SOMEONE WAS ACTUALLY INNOCENT WHEN YOU GO AND SAY WE'RE GOING TO SETTLE A WRONGFUL DEATH SENTENCE. [LB268]

SENATOR KRIST: TIME, SENATOR. [LB268]

SENATOR GARRETT: THANK YOU, MR. PRESIDENT. [LB268]

SENATOR KRIST: THANK YOU, SENATOR GARRETT. SENATOR McCOY, YOU'RE RECOGNIZED. [LB268]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I RISE AND I'M GOING TO MAKE A BRIEF COMMENT TO WHAT SENATOR GARRETT JUST SHARED WITH YOU. THAT'S A HORRIFIC STORY, ONE THAT I BELIEVE PROBABLY MAKES US ALL SHUDDER. BUT I WOULD REMIND SENATOR GARRETT THAT THAT HAPPENED IN THE STATE OF SOUTH CAROLINA UNDER SEGREGATION, NOT IN THE STATE OF NEBRASKA. WE ARE HERE TALKING ABOUT THE DEATH PENALTY IN THE SOVEREIGN STATE OF NEBRASKA. NONE OF US WOULD CONDONE THAT, THE DETAILS OF THE TRIAL THAT HE JUST MENTIONED, BUT THAT'S NOT WHAT WE'RE TALKING ABOUT. WE'RE TALKING ABOUT NEBRASKA AND THE 11 INDIVIDUALS WHO SIT ON DEATH ROW. I'D YIELD THE REMAINDER OF MY TIME TO SENATOR KINTNER. [LB268]

SENATOR KRIST: SENATOR KINTNER, 4:14. [LB268]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I SAID IN MY OPENING REMARKS NOBODY WAS GOING TO SAY THAT ABOUT NEBRASKA. THEY'D HAVE TO GO TO ANOTHER STATE TO SAY SOMEBODY WAS WRONGLY PUT TO DEATH BECAUSE WE HAVE NOT DONE THAT IN OUR STATE. MR. PRESIDENT, I'D LIKE TO PULL THIS AMENDMENT. [LB268]

SENATOR KRIST: SEEING NO OBJECTIONS, THE AMENDMENT IS PULLED. MR. CLERK. [LB268]

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CLERK: MR. PRESIDENT, SENATOR KINTNER WOULD MOVE TO AMEND WITH AM992. [LB268]

SENATOR KRIST: SENATOR KINTNER, YOU'RE RECOGNIZED TO OPEN. [LB268]

SENATOR KINTNER: MR. PRESIDENT, I MOVE TO REMOVE...TO PULL THIS AMENDMENT ALSO. [LB268]

SENATOR KRIST: WITHOUT OBJECTION. MR. CLERK. [LB268]

CLERK: MR. PRESIDENT, I HAVE NOTHING FURTHER PENDING TO THE COMMITTEE AMENDMENTS. [LB268]

SENATOR KRIST: RETURNING TO THE DISCUSSION, SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB268]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. THIS IS MY FIRST TIME ON THE MIKE REGARDING THIS SUBJECT, SO I'M A NEW VOICE IN THE LEGISLATURE, AT LEAST ON THIS TOPIC. SENATOR CHAMBERS IS ABSOLUTELY RIGHT. I HAVE NOT BEEN INVOLVED WITH THIS ISSUE TO ANY GREAT EXTENT IN THIS LEGISLATURE, BUT I DID...WAS INVOLVED WITH JUSTICE ISSUES WHEN I WAS AT THE PLATTE INSTITUTE DURING MY FOUR YEARS AS EXECUTIVE DIRECTOR. AND WE CONCLUDED THAT THE AMERICAN JUSTICE SYSTEM WAS IN NEED OF A GREAT DEAL OF WORK. IT'S TOO EXPENSIVE AND WE PUT THE WRONG PEOPLE IN JAIL. AND THIS ISSUE ABOUT CAPITAL PUNISHMENT IS ALSO IN THAT DISCUSSION. I WAS PRIVILEGED TO BE A PART OF THE NEWS CONFERENCE YESTERDAY, THE CONSERVATIVES' EFFORT TO REPEAL THE DEATH PENALTY, AND I'M GLAD WE MADE THAT STATEMENT TO PEOPLE IN NEBRASKA. I'VE BEEN, I SHOULD SAY, VERY DISAPPOINTED IN THE QUALITY OF THE DISCUSSION REGARDING THIS TOPIC. PEOPLE HAVE RESORTED TO EMOTIONAL, GRUESOME STORIES RATHER THAN LOOKING AT THE FACTS IN ANY KIND OF SYSTEMATIC WAY. BUT WHAT DO I...WHAT FACTS DO I THINK ARE RELEVANT IN THIS STORY? PROBABLY THE FIRST THING TO LOOK AT, IS THE DEATH PENALTY TRULY EFFECTIVE AS A DETERRENT? AND THERE'S ABSOLUTELY NO EVIDENCE THAT WE'VE SEEN THAT THE DEATH PENALTY ACTS AS A DETERRENT. SHOW ME THE FACTS, SHOW ME THE NUMBERS. SECONDLY, CAN WE SHOW THAT PEOPLE THAT HAVE BEEN CONVICTED AND SENTENCED TO DEATH HAVE BEEN WRONGLY CONVICTED? YES, INDEED, WE CAN CERTAINLY SHOW THAT. THERE'S EVIDENCE THAT OCCUR IN THE NEWSPAPER ALL THE TIME.

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SO THAT'S ANOTHER REASON WE SHOULD CERTAINLY REPEAL THE DEATH PENALTY. AND SO THOSE ARE THE FACTS. AND IT CERTAINLY IS MORE EXPENSIVE AS WELL. SOME OF THE NUMBERS WE'VE CITED, IT COSTS \$30 MILLION TO PUT SOMEBODY ON DEATH ROW, WHERE IT'S THREE TIMES AS EXPENSIVE AS PUTTING SOMEBODY IN A LIFE PRISON, A SENTENCE OF LIFE. SO THOSE ARE SOME OF THE FACTS THAT I LOOK AT. AND INSTEAD OF MAKING EMOTIONAL APPEALS THAT PLAY WELL ON TV, I THINK IT'S TIME TO LOOK AT THIS IN SOME KIND OF SYSTEMATIC WAY AND MOVE NEBRASKA'S CRIMINAL JUSTICE SYSTEM FORWARD. THANK YOU, MR. PRESIDENT. [LB268]

SENATOR KRIST: THANK YOU, SENATOR McCOLLISTER. SENATOR RIEPE, YOU'RE RECOGNIZED. SENATOR RIEPE WAIVES. SENATOR KINTNER, YOU ARE RECOGNIZED. SENATOR KINTNER WAIVES. SENATOR DAVIS, YOU ARE RECOGNIZED. [LB268]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. LIKE SENATOR McCOLLISTER, I AM A LITTLE BIT DISCOURAGED AT THE CALIBER OF THE DISCUSSION THIS MORNING AND THE BRINGING UP OF THE GRIZZLY CASES. I GET THAT. I AGREE-- TERRIBLE CRIMES. BUT THIS IS ABOUT THE FUTURE OF NEBRASKA AND WHAT WE'RE GOING TO DO AND HOW WE'RE GOING TO ADDRESS THE ISSUE OF THE ULTIMATE PENALTY. SO I THINK IF YOU DO A LITTLE BIT OF RESEARCH, YOU'LL FIND--AND I REFERRED TO THIS EARLIER--THAT THERE ARE A SIGNIFICANT NUMBER OF CASES IN OTHER STATES WHICH ARE FALSE CONFESSIONS AND/OR PLANTED EVIDENCE, WHICH LEAD TO PEOPLE BEING PUT ON DEATH ROW AND FACING THE ULTIMATE SACRIFICE. THAT'S NOT WHERE I WANT TO BE. I DON'T WANT TO SEE INNOCENT PEOPLE KILLED TO TRY TO RECTIFY SOME OTHER CRIME SOMEWHERE ELSE. THAT'S JUST A DOUBLE HIT. SO YOU'VE HAD ONE WRONG. NOW YOU'VE COMMITTED ANOTHER WRONG WHEN AN INNOCENT PERSON IS CONVICTED. SO I'M TRYING TO DO A LITTLE RESEARCH HERE ON MY GADGET, AND ONE OF THE PIECES OF DATA I CAME UP WITH SAID ABOUT 120 OUT OF 3,000 PEOPLE WHO ARE ON DEATH ROW, PERHAPS UP TO 120 OF THOSE, MIGHT BE INNOCENT PEOPLE. I WANT YOU ALL TO THINK ABOUT THAT BECAUSE THAT DWARFS WHAT WE'VE TALKED ABOUT HERE, JUST ABSOLUTELY DWARFS IT. THESE ARE PEOPLE WHO ARE LOW INTELLIGENCE IN LARGE PART, NO RESOURCES, MAY BE MENTALLY ILL, STUCK ON DEATH ROW, AND INNOCENT. AND AT THE SAME TIME, SOMEBODY ELSE IS OUT THERE FREE AND CLEAR, COMMITTING OTHER CRIMES IN THE WORLD. COLLEAGUES, IT'S BAD POLICY. IT'S BAD PUBLIC POLICY. WE NEED TO MAKE A CHANGE FOR THE BETTER OF THE STATE OF NEBRASKA AND FOR THE NATION. THANK YOU. [LB268]

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SENATOR KRIST: THANK YOU, SENATOR DAVIS. THOSE STILL WISHING TO SPEAK: SENATOR GARRETT, HILKEMANN, JOHNSON, CHAMBERS, CRAWFORD, AND BOLZ. SENATOR GARRETT, YOU'RE RECOGNIZED. [LB268]

SENATOR GARRETT: THANK YOU, MR. PRESIDENT. PICKING UP WHERE I LEFT OFF, IF WE EVER, WE AS A NATION, HAVE EVER EXECUTED ONE INNOCENT MAN OR WOMAN, THAT TO ME IS TOTALLY UNCONSCIONABLE AND IT PUTS TO REST THE STORY ABOUT THE DEATH PENALTY. IT INVALIDATES THE DEATH PENALTY IN MY MIND AND IN MY HEART FOR A JUST PUNISHMENT FOR SOMEBODY. THE CASE I WAS TALKING ABOUT BEFORE, PERHAPS THE MOST IMPORTANT FACTOR IN DETERMINING WHETHER A DEFENDANT WILL RECEIVE THE DEATH PENALTY IS THE QUALITY OF THE REPRESENTATION HE OR SHE IS PROVIDED. ALMOST ALL DEFENDANTS IN CAPITAL CASES CANNOT AFFORD THEIR OWN ATTORNEYS. IN MANY CASES, THE APPOINTED ATTORNEYS ARE OVERWORKED, UNDERPAID, OR LACKING THE TRIAL EXPERIENCE REQUIRED FOR DEATH PENALTY CASES. THERE HAVE BEEN INSTANCES IN WHICH LAWYERS APPOINTED TO A DEATH CASE WERE SO INEXPERIENCED THAT THEY WERE COMPLETELY UNPREPARED FOR THE SENTENCING PHASE OF THE TRIAL. OTHER APPOINTED ATTORNEYS HAVE SLEPT THROUGH PARTS OF THE TRIAL OR ARRIVED AT THE COURT UNDER THE INFLUENCE OF ALCOHOL. LIFE WITHOUT PAROLE IS A SENSIBLE ALTERNATIVE TO THE DEATH PENALTY. IN EVERY STATE THAT RETAINS THE DEATH PENALTY, JURORS HAVE THE OPTION OF SENTENCING CONVICTED CAPITAL MURDERERS TO LIFE IN PRISON WITHOUT THE POSSIBILITY OF PAROLE. THE SENTENCE IS CHEAPER TO TAXPAYERS AND KEEPS VIOLENT OFFENDERS OFF THE STREETS FOR GOOD. UNLIKE THE DEATH PENALTY, A SENTENCE OF LIFE WITHOUT PAROLE ALSO ALLOWS MISTAKES TO BE CORRECTED. THERE ARE CURRENTLY OVER 3,300 PEOPLE IN CALIFORNIA WHO HAVE RECEIVED THIS ALTERNATIVE SENTENCE WHICH ALSO HAS A MORE LIMITED APPEALS PROCESS WHICH LASTS APPROXIMATELY THREE YEARS. ACCORDING TO THE CALIFORNIA GOVERNOR'S OFFICE, ONLY SEVEN PEOPLE SENTENCED TO LIFE WITHOUT PAROLE HAVE BEEN RELEASED SINCE THE STATE PROVIDED FOR THIS OPTION IN 1977. AND THIS HAS OCCURRED BECAUSE THEY WERE PROVEN TO BE INNOCENT OF THE CRIMES FOR WHICH THEY WERE CONVICTED. WHEN I SPOKE EARLIER ABOUT WHERE WE RATE INTERNATIONALLY AS NUMBER FIVE, I'M NOT COMPARING OUR COUNTRY TO OTHER COUNTRIES, BUT I THINK IT'S INDICATIVE THAT WE'RE ONLY...WE'RE NUMBER FIVE FOR SENTENCING PEOPLE TO DEATH, AFTER CHINA, IRAN, IRAQ, SAUDI ARABIA, AND WE'RE AHEAD OF PAKISTAN AND YEMEN. THAT'S...WE ARE BETTER THAN THAT. WE ARE BETTER THAN THAT, AND WE OUGHT NOT BE ON THAT LIST WITH THOSE COUNTRIES. WE ARE THE GREATEST NATION IN THE WORLD, AND WE SHOULD BE DEMONSTRATING THAT

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WITH HOW WE ACT AS A CIVILIZED SOCIETY, AND I DON'T BELIEVE WE'RE DOING THAT. WE'VE TALKED ABOUT EXECUTIONS OR ABOUT WHAT THE COSTS ARE TO TAXPAYERS, AND BOTH SIDES ARE PULLING UP NUMBERS. AND WE CAN PULL UP THE NUMBERS AS WELL. IT COSTS FAR MORE TO EXECUTE A PERSON THAN TO KEEP HIM OR HER IN PRISON FOR LIFE. A 2011 STUDY FOUND THAT CALIFORNIA HAS SPENT MORE THAN \$4 BILLION ON CAPITAL PUNISHMENT SINCE IT WAS REINSTATED IN 1978, AND THAT DEATH PENALTY TRIALS ARE 20 TIMES MORE EXPENSIVE THAN TRIALS SEEKING A SENTENCE OF LIFE IN PRISON WITHOUT POSSIBILITY OF PAROLE. CALIFORNIA CURRENTLY SPENDS \$184 MILLION ON DEATH PENALTY EACH YEAR AND IS ON TRACK TO SPEND \$1 BILLION IN THE NEXT FIVE YEARS. BUT, YOU KNOW, THE BOTTOM LINE, AT THE END OF THE DAY THIS IS NOT AN ECONOMIC ISSUE FOR ME. IT'S A JUSTICE ISSUE AND IT'S A MORAL AND ETHICAL ISSUE. IT IS IMMORAL FOR THE STATE TO BE TAKING PEOPLE'S LIVES AND WE'RE POLITICIZING THAT PUNISHMENT. MR. PRESIDENT, I'D YIELD THE REST OF MY TIME TO SENATOR CHAMBERS, IF HE WOULD LIKE IT. [LB268]

SENATOR KRIST: SENATOR CHAMBERS, 1:15. [LB268]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR GARRETT. I'M NOT A CATHOLIC. I'M NOT RELIGIOUS. I CANNOT PROFESS TO SPEAK FOR ANY RELIGION. SO I'M GOING TO READ FROM THE TESTIMONY OF GREG SCHLEPPENBACH. "GOOD AFTERNOON, SENATOR SEILER AND MEMBERS OF THE COMMITTEE. MY NAME IS GREG SCHLEPPENBACH, S-C-H-L-E-P-P-E-N-B-A-C-H. I'M THE EXECUTIVE DIRECTOR OF THE NEBRASKA CATHOLIC CONFERENCE AND TESTIFY ON ITS BEHALF IN SUPPORT OF LB268. THE TEACHING OF THE CATHOLIC CHURCH DOES NOT CONDEMN USE OF THE DEATH PENALTY IN PRINCIPLE. THE DEATH PENALTY IS NOT REGARDED AS INTRINSICALLY IMMORAL. RECOURSE TO IT IS NOT EXCLUDED FROM THE RIGHT AND DUTY THE STATE HAS TO DEFEND SOCIETY FROM UNJUST AGGRESSORS. NEVERTHELESS, CATHOLIC TEACHING ALSO APPLIES AN EXTREMELY IMPORTANT CONDITION TO USE OF THE DEATH PENALTY; NAMELY, IF NONLETHAL MEANS ARE SUFFICIENT TO DEFEND THE INNOCENT AND PRESERVE PUBLIC ORDER AND SAFETY, THEN PUBLIC AUTHORITY MUST LIMIT ITSELF TO SUCH MEANS AS THEY ARE MORE IN KEEPING WITH THE COMMON GOOD AND MORE IN CONFORMITY WITH THE INHERENT DIGNITY OF EACH HUMAN BEING. IN PRACTICAL APPLICATION, THIS TEACHING REGARDING THE DEATH PENALTY HAS BECOME CLEARER AND MORE RELEVANT DURING THE PAST QUARTER CENTURY. IN HIS ENCYCLICAL, THE GOSPEL OF LIFE, THE LATE POPE AND NOW SAINT JOHN PAUL II IN 1995 ARTICULATED A STANDARD FOR APPLICATION OF THIS TEACHING." [LB268]

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SENATOR KRIST: TIME. [LB268]

SENATOR CHAMBERS: HOW MUCH TIME DO I HAVE? [LB268]

SENATOR KRIST: TIME, SENATOR. [LB268]

SENATOR CHAMBERS: I'LL CONTINUE NEXT, THANK YOU. [LB268]

SENATOR KRIST: YOU BET. SENATOR HILKEMANN, YOU ARE RECOGNIZED.
[LB268]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. AS I'VE SAID BEFORE, I THINK I'M ONE OF THE LUCKIEST PERSONS IN THIS BODY. I WAS RAISED ON A FARM THREE MILES SOUTH OF RANDOLPH AND I REMEMBER ONLY ONE TIME IN MY LIFE THAT WE EVER LOCKED OUR DOORS. AND THAT WAS IN THE LATE '50s WHEN CHARLIE STARKWEATHER AND CAROL FUGATE WERE RUNNING THROUGH THE STATE AND NO ONE KNEW EXACTLY WHERE THEY WERE. THAT WAS THE FIRST TIME, AT THAT POINT IN MY LIFE I WAS 12 YEARS OLD, AND THAT WAS THE FIRST TIME THAT WE EVER HAD TO DEAL WITH THAT TYPE OF THING HERE IN THE STATE OF NEBRASKA. HE ENDED UP BEING ELECTROCUTED. THROUGH ALL OF MY LIFE I'VE ALWAYS...I'VE TALKED ABOUT THE DEATH PENALTY. WE'VE TALKED ABOUT IT IN MY CHURCH. WE'VE TALKED AROUND OUR FAMILY CIRCLE. AND I'VE ALWAYS STATED I THINK THAT WE SHOULD KEEP THE DEATH PENALTY. WHEN I DECLARED FOR OFFICE, I GOT A CALL FROM A YOUNG LADY WHO SAID, I'D LIKE TO TALK WITH YOU, I'M WITH THE NEBRASKANS AGAINST THE DEATH PENALTY, AND ALMOST DIDN'T GO TO THAT CONFERENCE. I SAID, WELL, I KNOW WHERE I STAND ON IT, WHY SHOULD I DO THAT? BUT I, TRYING TO BE OPEN AND LISTENING TO THINGS, I WENT AND HAD COFFEE WITH HER. THAT WAS THE FIRST THAT SOME OF MY THOUGHTS ON THE DEATH PENALTY WERE REALLY CHALLENGED. AND SO OVER THE...THROUGH THE WHOLE PORTION OF MY CAMPAIGN I'VE ASKED PEOPLE ABOUT WHAT THEIR THOUGHTS WERE ON THE DEATH PENALTY. I HAVE TO SAY THAT THE DISCOURSE THIS MORNING, WE'VE TALKED ABOUT WHAT CONSTITUTES HEINOUS CRIMES, AND THAT'S EXACTLY WHEN I WAS ASKED BY A TELEVISION REPORTER WHETHER I FAVORED THE DEATH PENALTY, I SAID FOR HEINOUS CRIMES. AND PEOPLE HAVE CERTAINLY TRIED TO DESCRIBE HEINOUS CRIMES TODAY, BUT I WANT TO SAY THESE HEINOUS CRIMES OCCURRED, AND THE THREAT OF THE DEATH PENALTY WAS THERE. IT DIDN'T PREVENT THESE HEINOUS CRIMES FROM OCCURRING. WE'VE BEEN SHOWN A GALLUP POLL THAT WAS REFERRED HERE TODAY THAT THIS

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GALLUP POLL SAYS PEOPLE FAVOR THE DEATH PENALTY. AS TO WHAT? CHECK THE WORDING ON THAT. IT SAYS, DO YOU FAVOR THE DEATH PENALTY? THERE IS A POLL THAT WAS QUOTED IN TODAY'S WORLD-HERALD THAT SAYS PEOPLE FAVORING THE DEATH PENALTY OR LIFE IMPRISONMENT WITHOUT CHANCE FOR PAROLE. IF YOU ADD THE "WITHOUT CHANCE FOR PAROLE," PEOPLE FAVOR ELIMINATING THE DEATH PENALTY WITHOUT CHANCE FOR PAROLE. I'VE TALKED WITH A LOT OF LEGAL OFFICIALS. DURING MY CAMPAIGN I WENT AND MET WITH SOME OF THE JUDGES. I'VE TALKED WITH OUR ATTORNEY GENERAL AND THEY BELIEVE THAT WE NEED TO KEEP THE DEATH PENALTY FOR THE PURPOSES OF NEGOTIATING SENTENCES. BUT I THINK THE MOST...WHEN I REALLY BEGAN TO THINK THAT, YOU KNOW, I'M ON THE WRONG SIDE OF THIS WAS WHEN I MET RAY KRONE. I DON'T KNOW WHETHER ANY OF YOU HAD A CHANCE WHEN HE WAS HERE IN THE CAPITOL, BUT HE CAME AND HE WAS SPEAKING. [LB268]

SENATOR KRIST: ONE MINUTE. [LB268]

SENATOR HILKEMANN: ONE MINUTE? OKAY. HE WAS THE 100TH "EXONEREE." HE SPENT TEN YEARS IN PRISON, KNOWING HE WAS INNOCENT, ON DEATH ROW. HE WENT THROUGH...IT WAS ON...HE WENT THROUGH THREE TRIALS, AND FINALLY WHEN THE DNA EVIDENCE CAME THAT HE WAS...HE COULD BE RELEASED, HE HAD SPENT TEN YEARS AND EIGHT MONTHS. AND A PERSON NEAR THE AREA ENDED UP BEING CONVICTED OF THE CRIME. AND I ASKED RAY KRONE, I SAID, RAY, YOU SPENT TEN YEARS IN PRISON. YOU WERE AN INNOCENT MAN, BUT IF YOU HAD BEEN A GUILTY MAN WHAT WOULD YOU CHOOSE: THE DEATH PENALTY, OR LIFE IN PRISON WITHOUT PAROLE? AND WITHOUT A HESITATION AND HE SAID, I WOULD TAKE THE DEATH PENALTY ANY TIME. IT'S THE EASY WAY OUT. THANK YOU. [LB268]

SENATOR KRIST: TIME, SENATOR. THOSE STILL WISHING TO SPEAK: SENATOR JOHNSON, CHAMBERS, CRAWFORD, BOLZ, WILLIAMS, AND EBKE. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB268]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. I'LL FOLLOW SENATOR HILKEMANN WITH A COMMENT. GREW UP ON A FARM SOUTH OF HOLDREGE. WE NEVER LOCKED THE DOOR. I'LL TELL YOU WHEN WE FOUND OUT. WHEN MY FOLKS MOVED TO TOWN, WE DIDN'T EVEN FIND THE KEY. WE HAD TO MAKE A KEY. WE HAD TO PUT LOCKS ON THE DOOR. CHARLIE STARKWEATHER RODE THROUGH HOLDREGE ON HIS WAY BACK TO LINCOLN. THOSE ARE SOME THINGS I REMEMBER. BACK THEN I THINK THE SYSTEM MIGHT HAVE WORKED. RIGHT

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NOW I DON'T THINK WE HAVE A SYSTEM THAT WORKS. WE DON'T HAVE A SUITABLE INJECTION CHEMICAL TO DO THAT. I THINK OUR LEGAL SYSTEM LACKS SOMETHING SO WE CAN'T GET THIS ACCOMPLISHED. AND WE'VE TALKED ABOUT COSTS, AND I GREW UP KIND OF IN THE ACCOUNTING WORLD. I WAS NEVER A CPA, DIDN'T WANT THAT TITLE. YOU KNOW WHAT CPA STANDS FOR. NOW ON YOUR COMPUTER YOU CAN PUT CUT, PASTE, AND ATTACH, SO YOU CAN PUT FIGURES WHEREVER YOU WANT TO IN ORDER TO MAKE YOUR POINT. ONE COMMENT WAS MADE THAT THERE WOULD BE 18 LESS MURDERS IF THERE WAS A DEATH PENALTY. I DON'T KNOW WHERE YOU GET THE PEOPLE TO CONDUCT THAT POLL AND WHO'S INVOLVED IN THAT POLL. BUT HOW WOULD YOU ASK SOMEBODY THAT QUESTION, DID THEY COMMIT A LESSER CRIME WHEN THEY THOUGHT ABOUT A MORE SEVERE SITUATION? AGAIN, I DON'T KNOW WHERE ANY OF THOSE FIGURES...SO I'M NOT LOOKING AT IT FROM THE STANDPOINT OF WHAT THE COST IS OR IS IT A DETERRENT AT THIS POINT. MY NEXT POINT IS I QUOTE PROBABLY NEW TESTAMENT FOUR TIMES OVER THE TIMES THAT I QUOTE OLD TESTAMENT. I LIVE IN A NEW TESTAMENT WORLD. NOW WE'RE WORKING ON ANOTHER BILL. WE WORKED ON IT YESTERDAY, AND WE WILL CONTINUE TO WORK ON IT DEFINITELY ON SELECT FILE WITH LB605 WHEN IT GETS THERE, AND WE HAVE DIFFERENCES THERE. WE HAVE THINGS TO RESOLVE. WE'RE TALKING ABOUT THE AMOUNT OF SENTENCES THAT PEOPLE, THE TYPE OF SENTENCES, AND HOW MANY FELONIES WE SHOULD HAVE, AND WHETHER WE SHOULD HAVE MAXIMUMS AND MINIMUMS AND ALL OF THAT. AND I DON'T WANT THIS TO MOVE INTO THAT BECAUSE IT WILL CLOUD UP US GETTING SOMETHING DONE WITH BASIC CORRECTIONS. BUT I THINK WHAT WE SHOULD DO AT THIS POINT, WE DON'T HAVE A SYSTEM NOW THAT WORKS, WAIT UNTIL WE GET SOME THINGS FIGURED OUT WITH OUR SENTENCES, FIND OUT THE LEGAL WAY, CHEMICAL TO HAVE THE INJECTION. LET'S MAKE SURE THAT WE HAVE DNA TESTING THAT WE CAN MAKE IT AS ABSOLUTE AS WE CAN FOR THOSE PEOPLE THAT ARE...COMMIT THOSE HEINOUS CRIMES. I'M IN FAVOR. THIS WILL BE MY STATEMENT FOR TODAY, AND I'LL EXPECT SOME CALLS THIS WEEKEND, I'M SURE. BUT AS I'VE LISTENED TO THE TESTIMONY, READ SOME OF THE TESTIMONY THAT WAS IN THE HEARING, TALKED WITH PEOPLE, I SUPPORT LB268. LET'S REPEAL THE DEATH PENALTY. LET'S TAKE IT UP WHEN THE SLATE IS CLEAR ON THAT AND LOOK AT IT AFTER WE COME UP WITH OUR NEW LAWS DEALING WITH INCARCERATION, AND WHAT WE'RE GOING TO DO WITH OUR CORRECTIONS SYSTEMS AND OUR OVERCROWDING. THANK YOU, MR. PRESIDENT. [LB268 LB605]

SENATOR KRIST: THANK YOU, SENATOR JOHNSON. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB268]

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SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'M NOT RELIGIOUS BUT I READ THE BIBLE A GREAT DEAL WHEN I WAS YOUNGER, AND I BECAME AGAINST THE DEATH PENALTY WHEN I FIRST HEARD THERE WAS SUCH A THING. BUT SENATOR SCHNOOR CONTINUES TO GIVE CITATIONS. THE FIRST MURDERER WAS CAIN; CAIN MURDERED HIS BROTHER. SENATOR SCHNOOR QUOTED A VERSE THAT SAID TO THE EFFECT WHOEVER SHEDS BLOOD, BY MAN'S HAND SHALL HIS BLOOD BE SHED. BUT DO YOU KNOW WHAT GOD SAID ABOUT THAT FIRST MURDERER? GOD PUT A MARK ON CAIN. HE SAID, THIS IS A MARK SO THAT NO MAN WILL RAISE HIS HAND AGAINST CAIN. GOD SAID, NO MAN SHALL RAISE HIS HAND AGAINST THIS MURDERER. AND THE OTHER PLACE WHERE YOU SEE THAT YOU MIGHT HAVE DIRECT TESTIMONY FROM GOD, NOT FROM WHAT PAUL OR THESE PEOPLE SAID EVEN IN THE NEW TESTAMENT, WHEN MOSES SAID THAT GOD GAVE HIM THESE TABLETS, AND HE BROUGHT THEM DOWN FROM MOUNT SINAI. ONE OF THE COMMANDMENTS SAID, THOU SHALT NOT KILL, WITHOUT QUALIFICATION, WITHOUT EXPLANATION. BUT BECAUSE THERE WERE PEOPLE WHO WANTED TO KILL, THEY SAID, WELL, YEAH, GOD SAID THAT BUT HE DIDN'T MEAN THAT, HE MEANT SOMETHING DIFFERENT. SO THEN THEY STARTED GOING TO THINGS THAT MEN HAD WRITTEN TO JUSTIFY THE KILLING. BUT THE TWO PLACES WHERE YOU HAVE DIRECT TESTIMONY FROM GOD, IF YOU ACCEPT THE BIBLE, IS WHEN HE SAID HE PUT A MARK ON THE MURDERER SO NOBODY WOULD TOUCH HIM, AND HE SAID, IN CASE YOU COULDN'T ACCEPT IT VERBALLY, HE WROTE IT IN STONE, THOU SHALT NOT KILL. THEN OTHER PEOPLE SAID, WELL, THEY KNOW MORE THAN GOD, SO THEY'LL KILL ANYWAY. BUT LET ME READ WHAT MR. SCHLEPPENBACH SAID, SCHLEPPENBACH. I WANT TO CONTINUE HIS TESTIMONY. JOHN PAUL ARTICULATED A STANDARD FOR APPLICATION OF THIS TEACHING. "THE STANDARD PROVIDES A SOUND AND JUSTIFIED PUBLIC POLICY TEST FOR THE DEATH PENALTY. THE TEST IS THIS: IS THE DEATH PENALTY, GIVEN ITS ULTIMATE CONSEQUENCE AND FINALITY, ABSOLUTELY NECESSARY? THAT IS, ARE THERE ABSOLUTELY NO OTHER MEANS BY WHICH TO DEFEND SOCIETY FROM AN UNJUST AGGRESSOR? IN ANALYZING THESE QUESTIONS, SAINT JOHN PAUL HIMSELF RESPONDED FROM A GLOBAL PERSPECTIVE THAT THE CASES OF ABSOLUTE NECESSITY ARE EXTREMELY RARE, IF NOT PRACTICALLY NONEXISTENT. THE NEBRASKA CATHOLIC CONFERENCE URGES YOU AS LEGISLATORS TO CONSIDER LB268 WITHIN THIS FRAMEWORK. WE THINK THE CORRECT AND PROPER RESPONSE TO THE TEST OF WHETHER THE DEATH PENALTY IS ABSOLUTELY NECESSARY IS UNAMBIGUOUSLY NO. THE DEATH PENALTY FAILS THE TEST BECAUSE IN THIS MODERN AND TECHNOLOGICALLY SOPHISTICATED AGE, MEANS OF PUNISHMENT AND PROTECTION OTHER THAN THE DEATH PENALTY ARE AVAILABLE AND ADEQUATE. THE CONDITIONS

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NECESSARY TO JUSTIFY USING THE MEANS OF LAST RESORT DO NOT EXIST. WHAT'S MORE, IN THIS CULTURE, WHICH TOO FREQUENTLY RESULTS TO DEATH AND VIOLENCE AS A RESPONSE TO SOCIAL PROBLEMS, USING THE DEATH PENALTY WHEN THERE'S NO ABSOLUTE NECESSITY OF DOING SO DIMINISHES SOCIETY EVEN MORE AND CONTRIBUTES TO THE GROWING DISRESPECT FOR THE DIGNITY AND VALUE OF EVERY HUMAN LIFE. WE UNDERSTAND AND RESPECT THE FACT THAT MANY PEOPLE HAVE LEGITIMATE CONCERNS AND FEARS ABOUT THE FREQUENCY OF VIOLENCE AND HEINOUS CRIMES IN THEIR COMMUNITIES. LEGISLATORS AND SOCIETY AS A WHOLE NEED TO DO ALL THAT CAN BE DONE TO DETER"... [LB268]

SENATOR KRIST: ONE MINUTE. [LB268]

SENATOR CHAMBERS: ..."AND TO RESPOND CONSCIENTIOUSLY TO THIS VIOLENCE THAT UNDERMINES A STABLE SOCIETY. MOREOVER, THE NEEDS OF VICTIMS AND THEIR LOVED ONES MUST BE ADDRESSED. NONETHELESS, MUCH OF THE SUPPORT FOR CAPITAL PUNISHMENT WE BELIEVE STEMS FROM A DESIRE FOR REVENGE OR FROM A DESPERATE ATTEMPT TO BALANCE THE TERRIBLE DAMAGE WROUGHT BY CAPITAL CRIME, AND SUCH FEELINGS ARE UNDERSTANDABLE IN THE FACE OF A BRUTAL AND SENSELESS VIOLENCE INFLICTED UPON INNOCENT PEOPLE. JUST RETRIBUTION IS A LEGITIMATE DESIRE. NONETHELESS, IT CANNOT BE TRULY ACHIEVED UNDER THE VEIL OF VENGEANCE AND ITS OWN FORM OF VIOLENCE. WE URGE A RESPONSE THAT MEETS THE EVIL WITH JUSTICE WORTHY OF OUR BEST NATURE AS HUMAN BEINGS ENLIGHTENED BY FAITH IN THE POSSIBILITY OF REDEMPTION AND FORGIVENESS. THE NEBRASKA CATHOLIC CONFERENCE URGES THE COMMITTEE TO ADVANCE LB268 TO GENERAL FILE. THANK YOU." AND THANK YOU, MR. PRESIDENT. [LB268]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB268]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB268 AND AM754. COLLEAGUES, THIS IS A GRAVE ISSUE OF JUSTICE WE ARE DEBATING, AND WE'VE TALKED SOME ABOUT THE JUSTICE IN TERMS OF THE PEOPLE WHO ARE ON DEATH ROW OR SENTENCED TO DEATH. I'D LIKE TO ADDRESS THE BROADER JUSTICE ISSUE IN THIS TURN OF SPEAKING. EVEN IF IT WERE POSSIBLE TO SOMEHOW MAKE SURE THAT YOU HAD NO MISTAKES IN ESTABLISHING GUILT OR SENTENCING IN DEATH PENALTY CASES, THE DEATH

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PENALTY STILL POSES A THREAT TO JUSTICE IN PRACTICE, EVEN HERE IN NEBRASKA. COLLEAGUES, THE REACH OF THE DEATH PENALTY EXTENDS BEYOND THOSE ON DEATH ROW. EVEN IF NONE OF THE 11 PEOPLE ON DEATH ROW ARE THERE WRONGFULLY, STILL, IN PRACTICE HERE IN NEBRASKA MISCARRIAGES OF JUSTICE CAN OCCUR BECAUSE WE HAVE THE DEATH PENALTY ON OUR BOOKS AS AN OPTION. DR. REBECCA MURRAY, A SOCIOLOGIST FROM CREIGHTON UNIVERSITY, REPORTS THAT 95 PERCENT OF THE CASES IN WHICH DNA IS USED TO EXONERATE INDIVIDUALS WRONGFULLY CONVICTED OF A WIDE VARIETY OF CRIMES--SO WE'RE NOT JUST TALKING ABOUT PEOPLE EXONERATED ON DEATH ROW BUT PEOPLE EXONERATED ON A WIDE VARIETY OF CRIMES--95 PERCENT OF THOSE CASES HAVE OCCURRED IN STATES WHERE THE DEATH PENALTY IS LEGAL AND CAN BE USED TO COERCE CONFESSIONS. COLLEAGUES, THIS IS TRUE FOR SIX CASES THAT WERE EXONERATED HERE IN NEBRASKA IN JUST RECENT YEARS. COLLEAGUES, THE INJUSTICES OF WRONGFUL CONVICTION THAT TRACE BACK TO THE DEATH PENALTY EXTEND BEYOND THE CASES OF EXONERATION OF DEATH ROW CASES. JUST HAVING THE DEATH PENALTY ON THE BOOKS, EVEN IF IT WAS RARELY USED, CAN CORRUPT JUSTICE EVEN FOR NON-DEATH-PENALTY OFFENSES. COLLEAGUES, I'VE HAD THE PERSONAL EXPERIENCE OF A FAMILY MEMBER WRONGFULLY CONVICTED. AND I KNOW QUITE OFTEN PEOPLE THINK, WELL, THAT NEVER HAPPENS; YOU KNOW, PEOPLE WHO SAY THEY'RE INNOCENT, THEY ARE JUST SAYING THAT. BUT, COLLEAGUES, I'VE HAD THAT IN MY OWN FAMILY. MY BROTHER-IN-LAW IS A TRUCKER AND HE WAS WRONGFULLY ACCUSED OF TRANSPORTING DRUGS, INCARCERATED. OUR FAMILY WAS PUT THROUGH A GREAT DEAL. NOW, THANKFULLY THEY WERE ABLE TO CLEAR HIS NAME AND THE CASE. BUT, COLLEAGUES, WE'RE HUMAN. AND AS MUCH AS I RESPECT THE WORK OF OUR LAW ENFORCEMENT AND PROSECUTORS AND INVESTIGATORS, WE ARE HUMAN AND HUMANS MAKE MISTAKES. AND SO IT ECHOES THROUGH MY HEAD THE WISE WORDS OF SENATOR BLOOMFIELD'S MOTHER. THE DEATH SENTENCE IS IRREVERSIBLE. AND THAT IS THE ULTIMATE INJUSTICE, OBVIOUSLY, WHEN SOMEONE IS EXECUTED WHO WAS INNOCENT. BUT AGAIN, COLLEAGUES, I WANT TO STRESS THE DEATH PENALTY PERVERTS JUSTICE, NOT JUST IN CAPITAL CASES, BUT IT CAN... [LB268]

SENATOR KRIST: ONE MINUTE. [LB268]

SENATOR CRAWFORD: THANK YOU...IT CAN PERVERT JUSTICE IN OTHER CASES AS WELL. AND SO I URGE YOUR SUPPORT OF LB268 AND AM754 FOR THE SAKE OF JUSTICE IN NEBRASKA. THANK YOU, MR. PRESIDENT. [LB268]

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SENATOR KRIST: THANK YOU, SENATOR CRAWFORD. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB268]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. AND I APPRECIATE SENATOR CRAWFORD'S WORDS BECAUSE WHAT I WANT TO SHARE AND ADD TO THE DIALOGUE IS A REMINDER TO THE BODY THAT OUR CORRECTIONS AND CRIMINAL JUSTICE SYSTEMS ARE NOT INFALLIBLE. AS SENATOR CRAWFORD SAYS, WE ARE IN FACT HUMAN. AND I THINK ONE OF THE THINGS THAT HAS COME OUT IN THE DIALOGUE AND THE DEBATE TODAY IS THE VALUE OF HUMAN LIFE AND IS THE VALUE OF INNOCENT HUMAN LIFE. SO, MOVING FORWARD WITH THE DEATH PENALTY, WHEN THERE IS ANY QUESTION IN OUR MINDS ABOUT WHETHER OR NOT SOMEONE IS INNOCENT AND IS BEING GIVEN THE ULTIMATE PUNISHMENT, IS UNACCEPTABLE TO ME. AND THERE ARE EXAMPLES OF SERIOUS MISTAKES IN OUR CRIMINAL JUSTICE SYSTEM. ONE THAT I AM FAMILIAR WITH IS KNOWN AROUND HERE AS THE BEATRICE SIX. IN 1989 THERE WAS A RAPE AND MURDER, AND SEVERAL INDIVIDUALS FROM THE BEATRICE AREA WERE CONVICTED. AND AS A TOTAL, THE SIX SPENT MORE THAN 70 YEARS INCARCERATED. IN 2008 DNA TESTING OF PRESERVED CRIME SCENE EVIDENCE PROVED THEIR INNOCENCE. THE TEST RESULTS IN FACT FOUND SOMEONE ELSE TO BE GUILTY OF THAT CRIME. COLLEAGUES, WHAT'S THE NEXT EVOLUTION OF OUR JUSTICE SYSTEM? WHAT IS THE NEXT DNA THAT WILL ILLUSTRATE THE INNOCENCE OF INDIVIDUALS THAT, THROUGH HUMAN FALLACY, ARE BEING CONVICTED TO DEATH? I AM SIMPLY UNCOMFORTABLE AND UNWILLING TO SUPPORT THE IDEA THAT THAT IS AN ACCEPTABLE OPTION FOR US. FURTHER, AS A MEMBER OF THE LR424 SPECIAL INVESTIGATIVE COMMITTEE, I HAVE DEEP DISCOMFORT WITH OUR CURRENT CORRECTIONS SYSTEM. DIRECTOR KENNEY ARTICULATED THAT HE DIDN'T HAVE THE LUXURY OF STATUTORY COMPLIANCE, IN TESTIMONY TO OUR COMMITTEE. WHEN WE HAVE A CORRECTIONS AND A CRIMINAL JUSTICE SYSTEM THAT DOESN'T ILLUSTRATE RESPECT FOR THE LAW, I SIMPLY CANNOT BELIEVE THAT THE DEATH PENALTY IS THE RIGHT STRATEGY OR THAT THIS IS THE RIGHT TIME. I DO APPRECIATE THE DIALOGUE ON THE FLOOR ABOUT THE PERSPECTIVE OF VICTIMS. I DO THINK THAT'S IMPORTANT. AND I WOULD REMIND THE BODY THAT THERE ARE OTHER STRATEGIES TO TRY TO SUPPORT VICTIMS' RIGHTS, AND WE HAVE MOVED FORWARD ON SOME OF THOSE STRATEGIES EVEN THIS YEAR: STRATEGIES AROUND ENFORCING REPARATIONS, STRATEGIES AROUND BETTER FUNDING OUR CRIME VICTIMS' SUPPORT FUNDS, STRATEGIES IN SUPPORTING OUR DOMESTIC VIOLENCE AND EMERGENCY SHELTERS, STRATEGIES IN INVESTING IN THE VIOLENCE REDUCTION PROGRAM IN OUR CORRECTIONS SYSTEM, STRATEGIES LIKE PROVIDING ADDITIONAL BEHAVIORAL HEALTH SUPPORTS. THERE ARE OTHER

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WAYS TO PROMOTE JUSTICE, AND THERE ARE OTHER WAYS THAT WE CAN HAVE MORE CONFIDENCE IN THAT DON'T REQUIRE US TO PUT FAITH IN A SYSTEM THAT, RUN BY HUMANS, IS FALLIBLE AND RUNS THE RISK OF PUTTING INNOCENT PEOPLE TO DEATH. I URGE YOUR SUPPORT OF LB268. THANK YOU, MR. PRESIDENT. [LB268]

SENATOR KRIST: THANK YOU, SENATOR BOLZ. THOSE STILL WISHING TO SPEAK: SENATOR WILLIAMS, CHAMBERS, GARRETT, DAVIS, AND GLOOR. SENATOR WILLIAMS, YOU'RE RECOGNIZED. [LB268]

SENATOR WILLIAMS: QUESTION. [LB268]

SENATOR KRIST: QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO SEE FIVE HANDS. QUESTION BEFORE US IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. PLEASE RECORD, MR. CLERK. [LB268]

CLERK: 43 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB268]

SENATOR KRIST: HOUSE IS UNDER CALL. SENATORS, RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL OTHER UNAUTHORIZED PERSONNEL LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR BAKER, PLEASE RETURN TO THE CHAMBER. THE HOUSE IS UNDER CALL. SENATOR BAKER, PLEASE RETURN TO THE CHAMBER. THE HOUSE IS UNDER CALL. ALL MEMBERS ARE ACCOUNTED FOR. SENATOR WILLIAMS, HOW WOULD YOU LIKE TO CONTINUE? WANT A ROLL CALL, REVERSE? OKAY, THERE'S BEEN A REQUEST FOR A ROLL CALL IN REVERSE ORDER. MR. CLERK. THE QUESTION THAT WE'RE ANSWERING HERE IS WHETHER WE CEASE DEBATE. THE QUESTION IS WHETHER WE CEASE DEBATE. MR. CLERK. [LB268]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1201.) 33 AYES, 7 NAYS, MR. PRESIDENT, TO CEASE DEBATE. [LB268]

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SENATOR KRIST: DEBATE CEASES. SENATOR SEILER, YOU'RE RECOGNIZED TO CLOSE ON THE JUDICIARY AMENDMENT TO LB268. [LB268]

SENATOR SEILER: MR. PRESIDENT, MEMBERS OF THE UNICAMERAL, I JUST HAVE A COUPLE THINGS AND NONE OF IT HAS TO DO WITH THE SUBSTANCE. IT HAS TO DO WITH PROCEDURE. I BELIEVE THE QUESTION CAME UP ABOUT WHETHER OR NOT ALL OF THE MATERIAL HAS BEEN REMOVED FOR PROCEDURES FOR THE REMOVAL OF THE DEATH PENALTY IN AM754. MY STAFF AND THE PEOPLE THAT WORKED ON THAT BELIEVE THAT THAT HAS BEEN ACCOMPLISH IN THIS AMENDMENT. AND THE OTHER IS THE COMMITTEE AMENDMENT STRIKES THE CLASS I FELONY CLASSIFICATION, WHICH EFFECTIVELY CHANGES THE PENALTY FOR FIRST-DEGREE MURDER FROM DEATH TO LIFE IMPRISONMENT WITHOUT PAROLE, UNLESS COMMUTED BY THE BOARD OF PARDONS. I THANK YOU, MR. PRESIDENT. [LB268]

SENATOR KRIST: YOU'VE HEARD THE CLOSING ON AM754. THE QUESTION IS THE ADOPTION OF AM754. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. REGULAR ORDER? REGULAR ORDER, SENATOR? OKAY. BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. MR. CLERK. [LB268]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1201-1202.) 31 AYES, 13 NAYS, MR. PRESIDENT, ON ADOPTION OF COMMITTEE AMENDMENTS. [LB268]

SENATOR KRIST: AM754 IS ADOPTED. RETURNING TO DEBATE ON LB...SORRY. MR. CLERK. [LB268]

CLERK: MR. PRESIDENT, THE NEXT MOTION I HAVE, SENATOR McCOY HAD OFFERED AN INDEFINITE POSTPONE MOTION. TO BE WITHDRAWN, SENATOR? [LB268]

SENATOR McCOY: CORRECT. [LB268]

CLERK: MR. PRESIDENT, SENATOR McCOY THEN HAD AM720 AND AM721 WITH NOTES TO WITHDRAW. I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB268]

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SENATOR KRIST: SEEING NO ONE ELSE IN THE QUEUE, SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON LB268. [LB268]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, ENOUGH HAS BEEN SAID BY ME. SO WHILE WE'RE STILL UNDER CALL, I WILL JUST ASK THAT THE BILL BE ADVANCED. [LB268]

SENATOR KRIST: YOU HAVE HEARD THE CLOSING TO LB268. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. SENATOR McCOY, FOR WHAT REASON DO YOU RISE? [LB268]

SENATOR McCOY: I'D LIKE TO REQUEST A ROLL CALL VOTE IN REVERSE ORDER, PLEASE, MR. PRESIDENT. [LB268]

SENATOR KRIST: OKAY. THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE IN REVERSE ORDER. MR. CLERK. [LB268]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1202.) 30 AYES, 13 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB268. [LB268]

SENATOR KRIST: LB268 ADVANCES. RAISE THE CALL. ITEMS FOR THE RECORD, MR. CLERK? [LB268]

CLERK: I DO, MR. PRESIDENT. MR. PRESIDENT, YOUR COMMITTEE ON JUDICIARY REPORTS LB483 TO GENERAL FILE. GOVERNMENT COMMITTEE REPORTS LB575 TO GENERAL FILE WITH AMENDMENTS. SENATOR CAMPBELL WOULD LIKE TO PRINT AN AMENDMENT TO LB547. A NAME ADD: SENATOR COOK WOULD ADD HER NAME TO LB268. (LEGISLATIVE JOURNAL PAGES 1203-1206.) [LB483 LB575 LB547 LB268]

MR. PRESIDENT, PRIORITY MOTION: SENATOR SULLIVAN WOULD MOVE TO ADJOURN THE BODY UNTIL MONDAY, APRIL 20, AT 10:00 A.M.

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. WE ARE ADJOURNED UNTIL 10:00 A.M. ON MONDAY MORNING.