

January 22, 1974

with is that if you tell a person it is against the law to steal, and the penalty for stealing is to have your hands cut off, and since you knew what the penalty was you are justified in imposing it because the person who committed that offense had the knowledge of what the penalty would be. I disagree with this kind of barbaric concept. I think it is old, outdated, and outmoded, and the notion that punishing one person severely will prevent somebody else from doing something wrong has been demonstrated time and time again not to be effective. This bill I say again was introduced by the Governor. Senator DeCamp may have a valid point when he says, he doesn't believe the Governor honestly supports this bill. Perhaps the Governor doesn't do anything in honesty. But we are not here to judge that this morning. We are here to judge the merits of this bill. I'm for this bill, and Senator DeCamp even the devil speaks the truth on occasion. Give him his due, he did something worthwhile. Let me give him his credit. Let us pass a worthwhile bill and keep in mind that the Warden is the custodian of all the people who wind up in the penitentiary. The Warden sees a value in this bill. Not only in the area of writing of bad checks, but in conjunction with the overall angle of corrections is supposed to accomplish. We can try this bill for a year. That will be plenty time to see if people are as conscious of the bills we pass in this Legislature as various individuals want to indicate. I think most of the bills pass in this Legislature are totally outside of the public's consciousness and they are not aware of these bills. But when time comes to bring a prosecution of an individual there will be a study made of the law by the prosecutor and the person's defense attorney, and at that time they will become aware of what the law is and what the penalty should be. That is to be imposed. I think this bill ought not to be indefinitely postponed. We ought to pass it, and there can be a trial period on this bill as there has been on so many others. So I ask you to vote against Senator DeCamp's well intentioned, but ill conceived motion.

PRESIDENT: Senator Luedtke did you wish to be heard on this issue. The motion is to indefinitely postpone LB 568

SENATOR LUEDTKE: Mr. President and members of the Legislature. I most certainly do want to be heard because I think this is one of the key bills in the Judiciary Committee's series of bills to modernize corrections in Nebraska. And the Governor most certainly knows what he is doing when he asked to have this bill introduced. This bill is an attempt to bring convicted people back into the community. Last week a number of us, including most of the members of the Appropriations Committee went over to Des Moines and viewed what can happen when convicted persons are kept in the community itself. Now some will argue, sure you can convict them of a felony and do the same thing. Sure you can do that. But what we are saying is, why not set up our laws so that the community is forced to deal with it's problems within the community. And that's what we are doing with this bill. Now Senator DeCamp very cleverly uses statistical figures here to try to de-cloud the issue. The warden appeared before our committee, Warden Wolf told us that it would reduce ultimately population by about 12%. Then Senator DeCamp comes in with these people with their

(End Belt #4)

4780