

April 16, 1975

CLERK: That is all, Mr. President.

PRESIDENT: We go to Select File. The Clerk and the Speaker have advised the Chair that your daily agenda should be changed and include on Select File LB 466, and I take it we will also take up LB 414 and LB 8, since they have been returned from Final Reading. The Chair recognizes Senator Dworak.

SENATOR DWORAK: Mr. President, I move the adoption of the Enrollment and Review amendments to LB 481.

PRESIDENT: Discussion of the motion. The question is, the adoption of the amendments to LB 481? All in favor say aye. Contrary nay. The amendments are adopted.

SENATOR DWORAK: Mr. President, I move that LB 481 be advanced to E & R for engrossment.

PRESIDENT: Discussion of the motion. The question is, the advancement of LB 481. All those in favor say aye. Contrary nay. The bill is advanced.

SENATOR DWORAK: Mr. President, I move the adoption of the E & R amendments to...

CLERK: Mr. President, there are no amendments to LB 23. The E & R amendments have been adopted. Yesterday, there was a Luedtke amendment adopted and a Barnett amendment adopted. Then there was a request to lay the bill over.

SENATOR DWORAK: Mr. President, I move that LB 23 be advanced for engrossment.

PRESIDENT: There is an amendment about to be dropped on the Clerk's desk, Senator.

CLERK: Mr. President, an amendment to amend LB 23 by Senator Chambers. Read amendment.

PRESIDENT: Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, Senator Barnett says Section 6 is already struck. I am not sure that it is and I am dealing with the white copy in the book and the first one would be on Page 3 that substitutes 15 years for 50 years and the second part of the amendment would be on Page 5 and it would strike Section 6 dealing with the death penalty. So I will address myself to the first part of the amendment first. I think when it allows a spread of from 1 year to 50 years for an offense, that in itself allows for punishment which could be considered arbitrary, capricious and unjustified. There is nothing that gives the Judge any guidance in determining if it is a 1 or 50 year sentence except it says, the sentencing Judge shall consider whether the act shall have caused serious personal injury to the victim, in reaching his decision on the sentence. Now it doesn't say that after this consideration, the judge must impose a sentence of 50 years so it could be two identical situations where great bodily harm had resulted but because of who the defendants are, one could get 50 years...