

May 15, 1979

LB 262

SENATOR KAHLE: Mr. Speaker, members of the body, I am going to call the question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? All those in favor of ceasing debate vote aye, opposed no. Record.

CLERK: 35 ayes, 1 nay to cease debate, Mr. President.

SPEAKER MARVEL: The motion is carried. Debate ceases and, Senator Newell, do you wish to close on your amendment?

SENATOR NEWELL: Mr. President, members of the body, I have offered this amendment because I feel it is a reasonable compromise. It, in fact, does what most of those who would like to repeal the death penalty laws in the State of Nebraska, would like to see done. It, in fact, repeals then for most cases that would come before the courts of this state but I think it is important to offer this amendment and to adopt this amendment because I think that it is one way of maybe using the death penalty as a symbolic thing instead of something that many people get charged with but nothing gets carried out. I think that, in fact, the death penalty would be carried out for these cases, for those situations in which people were, in fact, given the death penalty by the courts or judges of this state. The situation is that in not all cases will this have to be used. Again the discretion would be with the courts as it is now. It is limited. It limits it greatly and for that reason I think with these exemptions it is extremely reasonable piece of legislation. Senator Landis talks about Professor Sellin's study and how cops don't get killed. You know one of the problems and one of the arguments that you can make, and he compares...I would like to just explain just briefly, compares numbers to numbers but we don't know anything about populations of the states, how many people, how many states have abolished the death penalty, how many have not and he talks about raw numbers. I think you have to do a little better comparative analysis when you are speaking to these things as Senator Landis failed to do. You know one of the problems here and I think that one of the comments was made to me by a police officer. The comment was that without the death penalty or without the death penalty for police officers, the great fear for many officers is is that not only will they send someone to jail for murder and so forth but they will

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