

May 15, 1979

LB 262

then could be back on the street and if this situation, they have great fear and police officers live under constant and daily fear that their inclination is or they think that it is possible that police officers might decide to be a little less lenient in the arrest process. I am sure that is not the intention of those who would eliminate the death penalty. They have that sort of things happen but the fear is still there and people act under fear and police officers are no different than any other human beings. There is, in fact, a very fearful situation when a police officer tries to apprehend an individual. My own personal experiences have been fearful many a time and my actions are quite different with that sort of thing in those certain instances than they are in a completely rational state. For that reason I think it is important to have some cases under which the death penalty law apply. Now I agree that the death penalty is discriminatively used and it is also rather capricious and sometimes very problematic and the fact is in this state, the death penalty has not been used for better than twenty years. For that reason I think these limitations would be a much preferable proposal to the total elimination or to the maintenance of the death penalty laws in the State of Nebraska as they are today. For that reason I urge adoption.

SENATOR CLARK PRESIDING

SENATOR CLARK: The question is, the Newell amendment to 262. All those in favor vote aye. All those opposed vote no. He was closing, Senator George.

SENATOR GEORGE: I would just like a record vote.

SENATOR CLARK: A record vote has been asked for. Record the vote.

CLERK: (Read record vote found on page 2179 of the Legislative Journal.) 6 ayes, 36 nays, Mr. President.

SENATOR CLARK: Motion lost. Do you have another motion on the desk?

CLERK: Yes, sir. Senator Venditte now moves to amend, Mr. President.

SENATOR VENDITTE: Mr. Speaker and members of the Legislature, I bring this particular amendment to the attention of the Legislature as a matter of information and I have