

May 15, 1979

LB 262

all voted? Have you all voted? Senator Venditte. Okay. Record the vote, a record vote.

CLERK: (Read record vote found on pages 2180-81 of the Legislative Journal.) 20 ayes, 26 nays, 3 not voting, Mr. President.

SPEAKER MARVEL: Motion lost.

CLERK: I have nothing further on the bill, Mr. President.

SPEAKER MARVEL: Okay, the motion now is the advancement of the bill. Senator Chambers, do you wish to speak on advancement of the bill, to E & R for engrossment?

SENATOR CHAMBERS: Mr. Chairman, I move that LB 262 be advanced to E & R for engrossment.

SPEAKER MARVEL: Speaking to that motion, Senator Labeledz.

SENATOR LABEDZ: Thank you, Mr. President. Senator DeCamp mentioned the fact that he would like Senator Chambers to answer Senator Venditte when he got up and mentioned the murderer could get out on parole. Senator DeCamp is correct. The way the bill is written he could not get out on parole. He could get out with the Board of Pardons and I am going to address my remarks to the Senators that have voted for LB 262 thinking that the thirty year sentence will hold. Proponents of 262 claim that a minimum thirty year sentence for first degree murder without parole will deter prospective murderers. Proponents of such an argument admit that it is predicated on the assumption that murderers absolutely cannot be released for other reasons prior to expiration of the thirty year minimum sentence. In other words, the punishment would be certain and severe, however, their assumption is incorrect and their argument is invalid because of the absolute pardon and commutation powers of the Board of Pardons. The Board of Pardons is a body established by the Nebraska constitution consisting of the Governor, Secretary of State and Attorney General. They possess the constitutional power under Article 4, Section 13, to grant pardons and commutations except in the cases of treason or impeachment. This board, being a creation of the constitution, would always possess the power to pardon or commute the sentence of a first degree murderer, the provisions of LB 262 notwithstanding. The proponents also of LB 262 argued that because board members are elected officials subject to chastisement of the ballot box, they will