

March 15, 1982

LB 202

SENATOR CHAMBERS: Thank you, Mr. Chairman. ...with the charade and abolish that and substitute a penalty that can be imposed and carried out.

SENATOR LAMB: Senator Burrows.

SENATOR BURROWS: Mr. Chairman, members of the Legislature, I cannot support LB 202 for several reasons. The thirty year mandatory sentence is an even more cruel and harsh punishment than the seldom used capital punishment and will deprive many prisoners of many, many years of life of freedom that do not deserve that harsh a punishment. First degree murder is a very broad charge in the State of Nebraska. It takes in some of the most heinous crimes and some of the most brutal people and also includes some people that are charged with first degree murder that come very close to justifiable homicide, that are not dangerous to society, and we have a group of people that are in for first degree murder in our penitentiary that takes in a range of people that are of no risk to society, that are of no danger to anyone else, and others that are an extreme danger. I would like to see our laws refined more so that it can be most seldom used for the most heinous crimes of the state and for people that exhibit brutal behavior because the arguments of deterrence of others I do not think hold. But capital punishment is an absolute deterrent to that person ever killing another and I think there is a place where some of the brutal murderers that we have to deal with, where they kill several people, they go into prison and then they kill a guard, another inmate, and there is a point to where the state should say, no more, and the absolute and only way we can do that is finally the point of capital punishment. I believe the deterrence arguments are overused for others but they do exist there and I think it would be a shame to put in a thirty year mandatory where we should have life imprisonment for some individuals that will be bad news if they leave the penitentiary but allow the courts yet to adjust the penalty to fit the person, the backgrounds of the crime, and the brutality of the person that is involved in it. We have quite a flexible law as it is today and to take that away with mandatory thirty years for every first degree murder would be the biggest mistake we could make. I think we should go over this law and refine it somewhat but not to vote out totally the capital punishment which does prevent that person from killing any more, but not at the sake of a thirty year mandatory sentence for all first degree. We should allow the court to make a full life sentence. Today we do not have the facilities to provide a humanely care for a person for a life sentence without the risk of that