

protect him when he is on duty and he is trying to arrest or take into custody a person that has just committed a violent crime? That person that committed the violent crime could very well turn on the police officers and kill both of them and that has happened many and many a time. So I am saying if we are really going to protect a law enforcement officer, we are certainly not doing it while he is performing his duty before a person is convicted of a crime, and I have to say it again because I am wondering if you quite understood what I said before, and I will repeat, pardon authority is defined in 83-170 as the power to remit fines and forfeitures and to grant respites, reprieves, pardons or commutations. In other words, the Pardon Board can reduce or can postpone any sentence and the Board of Pardons according to 83-127 shall exercise the pardon authority as defined in Section 83-170 for all criminal sentences except treason and cases of impeachment. Nothing is said in that section about Class 1A felonies. The Board of Pardons could conceivably pardon the person convicted of a Class 1A felony and sentenced to the mandatory thirty year term before that thirty year term is up. I urge you to not only reject this amendment but to reject the bill in itself. Thank you very much.

SENATOR LAMB: Senator Nichol on the amendment.

SENATOR NICHOL: Thank you, Mr. Chairman, members of the Legislature. Senator Beutler, may I ask you a question please. This is the officer amendment that has been run through several times, right?

SENATOR BEUTLER: Yes, sir.

SENATOR NICHOL: And if an officer is transporting a prisoner and the officer gets shot while doing that, the person shooting the officer could be guilty of murder and be sent to the electric chair, right?

SENATOR BEUTLER: If the person is the prisoner, yes, sir.

SENATOR NICHOL: Okay, but how about if my friend, Rex, has been doing something and he shouldn't be doing again and a law enforcement officer picks him and I see my friend being towed away and I knowing that my friend Rex has no gun I shoot the officer so that my friend can be freed. Simply because I shoot the officer means that I don't get the death penalty but if my friend Rex should shoot him, he gets the death penalty, right? The result is the same but one person doing it gets off, the other one doesn't, is that correct?