

March 17, 1982

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cheap when we eliminate capital punishment. Thank you.

SENATOR LAMB: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I think that a courageous vote was taken the other day with the adoption of the DeCamp-Beutler amendment. It is not the type of bill which I would seek to have and were I to have my way, capital punishment would be completely abolished. But that is not likely to occur. So the amendment that had been adopted...that has been adopted, brings both parties some distance from their original position and closer to each other. I will repeat again what I said the other day that I know for some of you even the version of the bill that exists now was not an easy vote for you to cast, but having cast that vote, I hope you will stick. Others who did not vote for that amendment, I hope will do so. In order to show you what happens with reference to homicides in this state, there is a bill that I got the Legislature to pass in 1978 which dealt with recording by county attorneys of all of the homicides of a criminal nature that were committed in their county, they were to send these reports to the Court Administrator's office. Included on the report would be such information as the original charge filed, whether there was a reduction, if it was the result of a plea bargain and the outcome of the trial or the ultimate disposition of the case. This morning I got copies of the reports that have been filed since 1978. Now from 1978 alone until today, there have been 112 criminal homicides in Nebraska. That is not all the way from 1973 when the death penalty was reinstated in the state, it would be several times that 112. But of that 112, 39 were plea bargained for the purpose of reaching a lower charge; 15 had juries where the jurors chose not to convict the person of the charge filed by the prosecutor. It was an indication of what a former county attorney told us that jurors are not that anxious to convict if they feel the penalty is unduly harsh. So in 15 of those cases the individual charged was found guilty of a lesser offense than the murder which was charged, 4 or 5 were let off because of insanity. Now my calculations are not scientific, but I can tell you this, I counted every page that I have. I looked to see if there had been a plea bargain and if there was a reduction of the charge as a result of the plea bargain, so those figures that I gave you are correct. Anybody who would like to see this material can see it. If you would like a copy of it, you can get it either from me or the Court Administrator's office. But the

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