

April 7, 1982

LB 787

the death penalty I would do it directly. If Senator Nichol gets an Attorney General's opinion saying that a provision like this which protects children from the death penalty would abolish the death penalty or violate equal protection and you feel that I have tricked you, I'll make the motion to strike the amendment that was just offered.

SENATOR LAMB: Senator Nichol, do you care to close?

SENATOR NICHOL: No, I'd just ask for the adoption of the amendment.

SENATOR LAMB: The motion is the adoption of the Nichol amendment. Those in support vote yes, those opposed vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Record.

CLERK: 38 ayes, 1 nay, Mr. President, on adoption of Senator Nichol's amendment.

SENATOR LAMB: Anything else on the bill?

CLERK: Nothing further on the bill, Mr. President.

SENATOR LAMB: Senator Nichol do you care to...there are no other lights on the bill. Anyone want to argue on the bill? Senator Nichol to close.

SENATOR NICHOL: Well I think I should mention one thing and it came up last year. Senator Schmit was interested in it and and was interested in it again this year and it has to do with with jailing of juveniles and as you know, we cannot now under the present law and cannot under this bill jail juveniles as part of the sentence. You can jail juveniles who have committed an adult crime or a serious crime but you cannot use it as a shock to them to attempt to get them to straighten out. They are not specifically charged with various crimes such as breaking and entering and so forth. They are usually charged with being a juvenile delinquent and as such in handling these cases we do not use jail terms. The only time jail time can be used is when they have committed an adult crime or for their own safekeeping or perhaps from time to time an overnight situation where they have no other place to go. So I want you to know that is the main thing that has changed. Other than that they are mostly technical changes, clarification in language so that attorneys can better understand the language of the

10507