

discussion? Senator Hall.

SENATOR HALL: Thank you, Mr. President and members. I rise in support of the bill that Senator Hudkins brought to the Judiciary Committee, but I also think that the issue ought to be discussed a little, not to anyway delay the process of the bill yet this morning. The decision that she speaks to I think really could potentially cause some problems in the courts with regards to the resentencing issue. What it says is that the, basically, that the courts can't go back now, as they have in the past and resentence an offender. What that means, I think, for the most part, is that courts will, in many cases, look on the sentence as that of one that is final. The likelihood of those going, a sentence going to the Pardons Board for purposes of reduction I think is probably unlikely. If it happens, it will only happen in a small number of cases, and what it could potentially lead to, I believe, is that those decisions that the courts brought down previously will now be lighter sentences, knowing full well that they cannot review that sentence in the future for purposes of how the one who has been sentenced has, basically, dealt with their incarceration, whether or not they've behaved while they have been in prison, whether or not there have been any extenuating circumstances for purposes of reduction of that sentence. And I think that the opinion, as rendered by the Supreme Court, could very... what it has done, in all circles, is it tied the hands of the trial court and I believe that it could potentially lead to a problem down the road when an individual is given a lighter sentence because there is no ability for purposes of reduction in the future. Now maybe that won't happen, but I think that this should not be the end of this discussion. I mean I clearly agree with Senator Hudkins in bringing in the repeal of the section that was ruled unconstitutional. That, basically, amounts to a housekeeping measure, but I think that the issue, whether, and it appears from the decision will take a constitutional change, but I believe that there ought to be the ability, for those trial judges, to have some discretion in terms of the resentencing of these individuals, and I would hope that we address it again in the future. I would urge advancement to E & R Initial of LB 127. Thank you, Mr. President.

SPEAKER WITHEM: Thank you, Senator Hall. Senator Lindsay.

SENATOR LINDSAY: Thank you, Mr. Speaker, and members. I also rise in support of the bill, but to kind of echo, Senator Hall