

impact all people the same way, not in a discriminatory manner. But with 93 counties in Nebraska, there are, in effect, 93 different death penalty laws and that doesn't bother very many in this body because the hue and cry has been put out that the state must kill and under all circumstances the state shall kill and even those counties which to date have not had the belly for it or the treasury for it are going to be assisted by the state so now they can get into the killing game too. I want to ask Senator Kristensen a couple of questions about aspects of the bill and it won't take long, and, Senator Kristensen, it's going to be difficult I know to answer this question. The term capital litigation is found on page 8, line 7 and the term high profile death penalty case is on page 2, line 24.

SENATOR KRISTENSEN: Yes.

SENATOR CHAMBERS: How will we know when such a case exists?

SENATOR KRISTENSEN: Well, Senator, as you well know, any first degree murder case has the opportunity for capital punishment to be imposed and you don't know if that's imposed till sentencing. There are those cases, obviously, where the prosecutor will make statements or that it's probably apparent that they won't seek the death penalty, but, again, that's not binding and we know well that that, just because they say it, it probably hurts their cause later on, but we know that's not legally binding. Those are descriptive terms, they're not meant to be precise legals because we're talking about where do you send someone for representation, what cases do they get involved in? And to the point, can I describe it better, I probably can't.

SENATOR CHAMBERS: Well, and I know it's difficult, but I want the discussion...

SENATOR KRISTENSEN: Yeah.

SENATOR CHAMBERS: ...that's why I asked that way, so everybody can see how difficult it is. Since any first degree murder charge is potentially a death penalty case, we know that sometimes that charge may be reduced either by way of a plea bargain. Maybe the evidence will not support that degree of the offense so during deliberations a conviction will come back on a lesser offense.