

February 23, 1996 LB 1248

mutually exclusive. I think sometimes if you do pursue the death penalty you encourage a plea bargain. If you go in with that attitude, I think you might even further encourage...

SENATOR CHAMBERS: Oh, but here's what I'm saying.... Right, and that's why it's often done. But I'm saying we now have a situation where the death penalty is actually going to be...

SENATOR HILGERT: Um-huh, right.

SENATOR CHAMBERS: ...sought. It's going to trial on that basis,...

SENATOR HILGERT: Um-huh.

SENATOR CHAMBERS: ...and it will be pushed all the way through.

SENATOR HILGERT: Right.

SENATOR CHAMBERS: So on the left side, in column A, we have a death penalty prosecution where that's actually going to be sought.

SENATOR HILGERT: Right.

SENATOR CHAMBERS: In column B we have a lower grade of homicide, either second degree murder, manslaughter...

SENATOR HILGERT: Right, I don't think...

SENATOR CHAMBERS: ...either taken to trial or by a plea bargain. Will the death penalty prosecution cost more, and is that known and understood by prosecutors?

SENATOR HILGERT: I would believe so, yes.

SENATOR CHAMBERS: So could anybody argue, in the sense that we're discussing this, that the costs, the increased costs of a death penalty prosecution over a prosecution for a lower grade of homicide would be abnormal?

SENATOR HILGERT: I don't think that that would be abnormal. If I might finish,...