

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

April 20, 1999 LB 76

fact, have what's called prosecutorial discretion. I'm not prepared in any and all manslaughter cases, second degree...in second degree cases, to indicate to you what may have taken place with regard to plea bargains, but I do implore you, in relationship to the global statistics you've been given, 10 out of 165 first degree murder only.

PRESIDENT MAURSTAD: One minute.

SENATOR BRASHEAR: And some of the facts I'm trying to illustrate with the facts as they appear on the record where a life sentence was permitted, either by prosecutorial request, judgment of the court, or otherwise, or plea bargain in the case of second degree, I think it is incumbent upon us to obtain the facts and to assure that that which we have prescribed as the ultimate penalty for the ultimate crime in the state of Nebraska is being justly effected. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Brashear. Further discussion, Senator Hilgert.

SENATOR HILGERT: Thank you, Mr. President, members. All due respect with what's occurring in Colorado at this time, state of Colorado does have the death penalty. So I suppose if you want to enter into debate how to handle the perpetrators of this crime after it's occurred, I suppose that's relevant. Suppose if you're referring to the debate we're having today that somehow the deterrence factor will somehow evaporate should we pass a moratorium for three years, I would submit to you that is not as relevant. One of the questions I asked regarding the moratorium was what harm could it do. Individuals can still be convicted. Hopefully, there won't...hopefully, there won't be more crimes. Of course, I'm not saying that. But individuals who commit these heinous crimes will still be sentenced to death, but just the date of the execution will not occur for three years. I'd like to ask Senator Brashear a question regarding, is there anyone scheduled to be executed at this time of which this moratorium will impact? Senator Brashear?

PRESIDENT MAURSTAD: Senator Brashear.

SENATOR BRASHEAR: Mr. President, Senator Hilgert, it is my