

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

April 20, 1999 LB 76

concerned about is the economic status because some believe, and I suspect it probably do be true, that if you have a lot of money you can hire the best attorneys, and perhaps maybe that's a legitimate reason to include more than just first degree murder, to study the circumstances around these cases. I don't think I could ever vote to abolish the death penalty because even in conditions of incarceration, life in prison, no parole, you still need the deterrent from that individual from killing a guard, for example, so I would have a difficult time ever to vote to abolish the death penalty. But why are we so afraid to say, stop, we've seen what's going on everywhere else, we don't want to be like Oklahoma; we don't want to be like Florida; we don't want to be like Illinois; we're better than that, we're Nebraskans; we're fair; we are not afraid to look at our system, we're not afraid to study it; and, in the meantime, we're going to still sentence people to death but we're not going to go and set a date for three years? I think that that is a legitimate action of this body. I was not convinced to support this on the floor. In fact, I told Senator Chambers, Senator Chambers, we haven't debated the death penalty extensively on the floor for many years; the only reason I'm voting for this is to get this out of committee and it's going to be the committee amendment, it's going to be the moratorium, it's not going to be the abolition of the death penalty, and he understood that. But the more I'm talking with thoughtful people in my district, the more I'm looking at the facts and what we're actually doing here, this is not abolishing the death penalty at all, the more I'm saying I'm willing, I'm willing to go that one step forward and say I'm not afraid to look at our system and especially, especially when it comes to the economic circumstances. And I...

PRESIDENT MAURSTAD: One minute.

SENATOR HILGERT: Thank you. And I'm never going to say on this floor, and Senator Bruning can just chomp on me if I ever do, I'm never going to say that these folks don't deserve it. My issue here is fairness, is it being done uniformly. We have people in our prison from a diff...from a rural part of the state for a drug offense in our state penitentiary that in Omaha would get a felony diversion. We know that our sentences are not applied uniformly. Maybe that's okay when we're talking