

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

May 13, 1999

LB 76

effect of the death penalty with specificity. There's no way to study it. You can't go out, nobody walks in to the precinct or the headquarters of the police and says, you know, I was going to kill my wife, but I decided not to. I wanted the insurance money, I decided not to because I thought I might get the death penalty. People don't come in and tell us that. But intuitively there must be some deterrent effect. It comes down to whose life do we value more? Do we value the convicted murderer, or do we value the innocent guard? In my mind I value the innocent guard. I want to protect any innocent. And while the opportunity for release of these people may be remote, they are people that work with them every day, and they need incentive to behave. The death penalty is incentive. More statistics for you from the Bureau of Justice, U.S. Department of Justice, revised January 14, 1999. Two hundred and eighty-one killers, 8.6 percent of those on death row had a prior conviction of a homicide, at least 281 people were released at some point who killed another person. Those innocents deserve our help. The death penalty is that help, it is that statement by the Legislature that we will not accept further killing by these people. And here's the most conclusive evidence, this was so obvious that it was one of those things where I felt like I wasn't able to see the forest through the trees. Criminals who are convicted of murder and they come to the sentencing phase and they have the option between life without parole and the death penalty, how many of them have you seen say, give me the death penalty? Very, very few. They fear the death penalty. When it's real to them,...

PRESIDENT MAURSTAD: One minute.

SENATOR BRUNING: ...when they can see it's coming, when they can see that it's about ready to happen, they fear the death penalty. That means it is a deterrent, it is a deterrent. It has a deterring effect. They fear the death penalty. Criminals will stand there and plead for their lives, they don't want the death penalty. That tells me that it is working as a deterrent. And Senator Landis eloquently talked about taking a man's freedom is more than taking his life. And I thought about that, and I thought maybe that's true, I can't imagine anything worse than being in a cell for the rest of my life. But, if I were on trial for murder, I think I probably would plead for my life,