

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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January 21, 2000 LB 509

PRESIDENT MAURSTAD: Time.

SENATOR CHAMBERS: Any questions you want to ask of me I will answer them. Thank you, Mr. President.

PRESIDENT MAURSTAD: Thank you, Senator Chambers. Mr. Clerk.

CLERK: Mr. President, Senator Brashear would move to amend with AM2074. (Legislative Journal page 364.)

PRESIDENT MAURSTAD: Senator Brashear, recognized to open on your amendment.

SENATOR BRASHEAR: Thank you, Mr. President, members of the body. This is a difficult subject matter and a difficult area. And since the advancement of LB 509, members of the Judiciary Committee have continued to struggle and work with it. Senior member, Senator Chambers and I have continued to discuss it. I want to be candid. If you're a prosecutor right now, today, you probably don't want this bill in any amended form. You certainly don't want it in LB 509 and maybe in terms of the work you've been assigned to do for and on behalf of the people you don't want it. But I don't think that's what we're about here. I think we're about writing the laws the way they should be written, seeing that they achieve justice to the maximum extent humanly possible. If we use the classic textbook situation for felony murder, where we're trying to de-emotionalize it or have people feel kindly toward the argument, then we talk about the individual who broke in the house to steal and somebody heard the window shatter and they were elderly and frightened and died of a heart attack. And the individual, the intruder, the criminal, I'm trying to make light of it, didn't know there was anybody in there, didn't know what their age was, never saw them, never touched them. Now that's the classic and that downplays it. Those who oppose this bill, if not today but on Monday, will come before you and they will...they can regale you beyond that which you would want, with facts which you don't want to hear about people who committed felony murder, because that's what they were accused of, tried and found guilty of. But I want to respectfully suggest to you there's a gulf and it's our job to work in between and to examine the facts objectively and fairly. And here's the gulf--we have first