

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

January 24, 2000 LB 509

At that time Senator Brashear had offered an amendment to the bill. (AM2084, Legislative Journal page 383.) I do have an amendment pending to that amendment, Mr. President. (AM2074, Legislative Journal page 364.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Chambers, would you provide a brief update on where we're at, and then after you're done, then we'll proceed to the amendment to the amendment to LB 509. Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President and members of the Legislature, in the original form that you find in the green copy of LB 509, there would be a striking of the felony murder rule, which means felony murder would not be a category of first degree murder. That was done because under the felony murder law, if an underlying felony was being committed and a person dies, it is not necessary to prove intent to kill in order to convict a person of first degree murder. I felt and do feel that is grossly unfair. However, Senator Brashear and I had begun to discuss the bill, and instead of abolishing the felony murder rule, amendments are going to be offered. The felony murder rule will continue to be...will allow a person to be convicted of first degree murder; however, there will be no death penalty imposed. Instead, the maximum punishment would be life without possibility of parole, and that's because you do not have to prove intent to kill. That's about as far as we've gone so that's as much as I will say because I don't want to argue for the bill at this particular point.

PRESIDENT MAURSTAD: Thank you, Senator Chambers. Senator Brashear...excuse me, Mr. Clerk.

CLERK: Mr. President, Senator Brashear had offered AM2074. I believe he opened on that amendment Friday. I do have an amendment to that amendment by Senator Brashear.

PRESIDENT MAURSTAD: Senator Brashear, you're recognized to open on your amendment to your previous amendment.

SENATOR BRASHEAR: Mr. President, members of the body, you will recall that when I opened on AM2074, I indicated that instead of repealing felony murder, we would be expanding it; that instead