

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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and on behalf of the people, to reflect upon our laws, to reflect upon our justice system and its administration and to decide if we need to make changes. And it is simply not true that you can never ever do anything that prosecutors don't want and you risk opening every door. This body has done it before when we rewrote the criminal code in the 1970s. We are using the same language, in part, and we are adopting in the amendment to the amendment new language which makes it perfectly, unequivocally and effectively clear that this is a prospective application of felony murder only. In the course of the discussion, I would be pleased to answer questions. There's some new research which I want to study and share with you. But I urge you not to be swayed by generalities, fear and all the other things, because our job is to read the law, examine the issue and make the right decision in the interest of justice, and my interest in this case is actually expanding the felony murder rule to include three crimes, which in my experience, are crimes which are in the...on the increase and in the ascendancy. And I believe prosecutors, unless they simply want capital punishment because they want capital punishment, I believe prosecutors ought to be interested in this potentiality. I urge the adoption of the amendment to the amendment to eliminate the issue of "prospectivity," and the amendment to LB 509. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Brashear. For discussion on the amendment to the amendment to LB 509 will be Senator Bourne, followed by Senators Chambers, Tyson, Brown and Brashear. Senator Bourne.

SENATOR BOURNE: Thank you, Mr. President, members. I came here this morning, or actually this weekend, I had reviewed this pretty extensively, and I came here...I'm still opposed to the bill as I was in committee and still am today, but throughout the weekend I was evaluating this and I had some really...I had some real concerns about the amendment as Senator Brashear has proposed. And this morning when I get here I see this sheet from Senator Chambers indicating that it's not retroactive. I have read the Reeves case, I have read the Urbano (phonetic) case and I think that they're correct and that it is...it will not be applied retroactively. But I want to, I guess, go back and read that a little bit more and digest that. I would like