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Constitutions. You cannot have someone convicted of felony murder in prison facing the death penalty and someone else committing the same crime and getting life in prison, he said. Members, I'm not a criminal attorney, and I know Senator Brashear is not a criminal attorney. And while Senator Chambers is certainly well-learned in criminal law, I don't believe he's a criminal attorney as well. There's a quote in the newspaper that talks about...or from a criminal attorney who indicates that this is going to be a problem with the Equal Protection Clause. Now that's what I'm basing, basing my opinion on now as it goes. But I'm going to continue to listen to the debate regarding the retroactivity and the equal protection provision.

SENATOR CUDABACK: Thank you, Senator Bourne. Senator Brashear, on your amendment to your amendment.

SENATOR BRASHEAR: Mr. President, members of the body, the lawyers will take care of themselves, some people would say you can't ever convince a lawyer anyway, so I'm not going to talk to the lawyers. It dawns on me as I listen to the lawyers that there is a possibility of those of you who are not afflicted with having studied the law could have confusion on a particular point. So I want to spend my time being very clear. People have spoken against life in prison without the possibility of parole, and then have told you that's not possible because of the pardon process. And for the nonlawyers I would like to take the allowable time to share. There is parole, for which we have a board, and there is pardon, for which we have a board. And they are not the same board, and it is not the same thing. And while I'm sure nobody wants you intentionally confused, when we say that there would be life in prison without the possibility of parole, that is a true statement and we don't have that now. Some will argue we do; we don't have it expressly as these amendments would make it. When people say on the floor that even with life in prison without possibility of parole we could have a pardon, they are telling you exactly the truth. Let's examine the difference. Parole is saying to someone who is incarcerated by the Board of Parole whom...which has been petitioned by the offender, if you are granted parole by the Board of Parole, you are allowed out of incarceration subject to certain terms and conditions. We have gubernatorial appointees who are professional, with staff, who make those decisions. The