

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

January 24, 2000 LB 509

justice that we, as elected officials and legislators, have a duty to take those steps that are necessary to protect our citizens, our constituents, and particularly the young and those who are the most vulnerable to criminal activity and to murder. So I don't know that we need to further delay this vote on the basis of whether the death penalty is justified or not. I think all of us probably have our own philosophical judgments, our own positions on this issue, but I think we have to realize where this bill is going. And if it is passed ultimately, regardless of whether this amendment is adopted or not, I'm going to vote against it because I think it strengthens, to a certain...

SENATOR CUDABACK: One minute.

SENATOR MATZKE: ...extent, a very bad precedence in the adminis...judicial...administration of justice in this state. But realize that the final vote is simply going to be a matter of whether we abolish the death penalty in about two-thirds of the cases that come before our courts.

SENATOR CUDABACK: Thank you, Senator Matzke. Senator Bruning, on the amendment.

SENATOR BRUNING: Mr. President, members of the Legislature. I rise in opposition to the amendment and to the bill. And let me reiterate the position I took a few minutes ago about this particular amendment, AM2074. What this does, among other things, is it sets up a new penalty called life imprisonment without the possibility of parole. That, colleagues, is not possible without an amendment to the constitution. The Board of Pardons can commute any sentence to a term of years, any sentence. Those three people can commute any sentence to a term of years. If you want to make sure that these people never see the light of day, voting for this amendment does not do that, it cannot do that, only an amendment to the constitution can do that. The Board of Pardons will always have the power to commute any sentence, including one we set up in this amendment, life imprisonment without the possibility of parole. They can commute that to a term of years. If you've served those years, you're out. Second point I want to address, I noticed this last year, and never addressed it really in the death penalty debate we had at that time, but it's starting again this year, and I