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LB 320

SENATOR CHAMBERS: I'm going to read the language. "This section shall not prevent a retiring judge from contracting to provide a larger percentage of benefit for a surviving spouse under other applicable statutes." And I would want to add language of this kind...I won't do it here, but it's what I'm looking at, and I would also like to look at something relative to the issue I'm going to raise...provided that the retiring judge does not have criminal charges or ethical charges pending against such judge at the time of retirement. Right now, there is no penalty against these scoundrels, and they retire as though they're in as good standing as judges who have served honorably. And I think, rather than have them run to a retirement when they have charges pending, and they're not penalized, allows them to beat the very system that they often will tell an accused person, who may have been convicted at this point, nobody beats the system, you did the crime, you do the time. And it may not be lockup time. So here's the question that I'm going to ask you, because I'm not going to offer the amendment at this point. Do you think a judge with criminal charges pending, or one who has been convicted and wants to retire should be allowed to do so and get the full benefits of that retirement?

SENATOR BRASHEAR: Not without the resolution of the criminal prosecution.

SENATOR CHAMBERS: And suppose he is convicted? Or would you rather say that no judge shall be allowed to retire while such charges are pending?

SENATOR BRASHEAR: To avoid any miscarriage, off the top of my head, subject to thinking it through...

SENATOR CHAMBERS: Yes.

SENATOR BRASHEAR: ...and modifying it, it seems to me it's fairer and more evenhanded if we require that the individual meet their obligation as a citizen to stand trial and be convicted or acquitted, and then deal with the issue.

SENATOR CHAMBERS: And also, if there are formal ethics charges