

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

February 6, 2004 LB 227

that stymied the individual from collecting. People who say that the Old Testament, where it says an eye for an eye, meant literally an eye for an eye. The Rabbis didn't teach that. They said that was a method of determining the measure of damages should a person lose an eye. If we were to make it literally an eye for an eye, how do we know that the eye being taken does not have a greater value than the eye that was lost? If the eye that we're going to take by way of punishment has greater acuity or any other capability of the eye than the eye that was lost by the victim, we are punishing this individual beyond what the law allows. And since every eye is different from every other eye, there is no way rationally or justly that this provision can be applied literally. So what will be done is to look at the occupation and the life circumstances of the individual who lost the eye and, to the extent that monetary or other compensation can make that person whole, that is what the "malfeasor" will be required to pay. So eye for an eye never meant literally that. Tooth for tooth never meant literally that. In this set of circumstances, Senator Aguilar may not be willing to give up 20 pounds of flesh from his bill, which is what Senator Schimek's amendment would do if it were successful. But if her amendment were successful, that should mean that the bill is assured passage, because it takes 25 votes to adopt the amendment, it takes 25 votes to pass the bill. I do not believe the Governor would veto a bill of this kind. But there is a verse in the book, the "Holly Bible," that says let all things be done decently and in order.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: When something is done in an orderly fashion, that means each step is taken at the appropriate time, in the appropriate sequence. Let no wine be drunk before its time. Let no amendment be offered until there is a receptive frame of mind in at least 25 members of the Legislature. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Aguilar, on the motion to reconsider.

SENATOR AGUILAR: Thank you, Mr. President and members. For