

ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010
COMMITTEE STATEMENT
LB853

Hearing Date: Wednesday January 20, 2010
Committee On: Judiciary
Introducer: Wightman
One Liner: Change criminal law statutes to reflect Nebraska Supreme Court opinion State v. Conover, 270 Neb. 446; 703 N.W.2d 898 (2005)

Roll Call Vote - Final Committee Action:
Indefinitely postponed

Vote Results:
Aye: 5 Senators Ashford, Christensen, Lautenbaugh, McGill, Rogert
Nay:
Absent:
Present Not Voting: 3 Senators Lathrop, Coash, Council

Proponents: Sen. John Wightman Joanne Pepperl	Representing: Introducer Revisor of Statutes
--	---

Opponents:	Representing:
-------------------	----------------------

Neutral:	Representing:
-----------------	----------------------

Summary of purpose and/or changes:

LB 853 would remove from Nebraska Statutes the words "without parole", when those words are used in conjunction with life imprisonment in describing a potential criminal penalty. Currently our statutes contain the phrase "life imprisonment without parole", however the Nebraska Supreme Court in the case, State of Nebraska v. Conover, 270 Neb. 446; 703 N.W.2d 898 (2005), ruled that the adding of the words "without parole" to the penalty of "life imprisonment" during a 2002 Special Session was outside the scope of the call and therefore unconstitutional.

LB 853 is an attempt to have our statutes reflect the true and accurate state of the law.

Brad Ashford, Chairperson