

One Hundred Second Legislature - First Session - 2011

Introducer's Statement of Intent

LB13

Chairperson: Brad Ashford

Committee: Judiciary

Date of Hearing: January 21, 2011

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 13 proposes to reinstate language found unconstitutional by the Nebraska Supreme Court in 2005. LB 13 provides another public policy option in contrast to LB 12.

In 2002, the legislature held a special session to address Nebraska's capital punishment sentencing scheme in light of a U.S. Supreme Court case, *Ring v. Arizona*. During the special session, language was adopted to clarify that the current penalty for Class I felonies, when the death penalty is not utilized, is life imprisonment without parole. Six sections of law were amended to add the words "without parole."

However, in 2005, the Nebraska Supreme Court, in *State v. Conover*, struck down the "without parole" language in two of the six sections where it had been added during the special session, holding that the changes were unconstitutional because they were outside the scope of the Governor's call, which related only to the *Ring v. Arizona* decision.

LB 13 would enact into law **in a regular session** the "without parole" provision in all six sections where it was inserted during the 2002 special session. By adopting the without parole language in a regular session it would reverse the decision of the Nebraska Supreme Court in *Conover*. Under LB 13 the penalty for Class 1 felonies, when the death penalty is not utilized, is life imprisonment without parole.

Principal Introducer: _____

Senator John Wightman