

Legislative panel fails to advance lethal injection bill

BY PAUL HAMMEL
WORLD-HERALD BUREAU

LINCOLN — The chief sponsor of a bill to change Nebraska's method of execution to lethal injection said it could still pass this year, even though a legislative committee blocked the measure Wednesday.

"It's not dead by any means," said State Sen. Mike Flood of Norfolk, speaker of the Legislature. "I'm hopeful we can find common ground and move this issue to the floor."

Flood commented after the Judiciary Committee failed to advance the bill for debate by the full Legislature.

Nebraska has been unable to carry out the death penalty for the past year, since the State Supreme Court ruled that the electric chair was unconstitutionally cruel and unusual punishment.

The lethal injection measure (Legislative Bill 36) drew only four yes votes; four lawmakers registered as "not voting." The deadlock casts uncertainty on whether lethal injection will be considered this year.

"We made a mistake today," said Sen. Scott Lautenbaugh of Omaha, one of the four committee members voting to advance the bill.

Sen. Steve Lathrop of Omaha led the group that blocked the bill.

Lathrop said a death penalty bill should not be advanced without addressing all the problems surrounding capital punishment. He said they include the millions of dollars spent on court appeals and the years it takes before the death penalty is imposed.

Lathrop said capital punishment is an "illusion" — it makes a promise, then leaves grieving families to ride an emotional "roller coaster" over years of court hearings and execution delays that often result in the condemned being removed from death row.

"The death penalty has issues with it that no one wants to address," he said. A bill, he added, must be more than "a formula for killing people with a needle."

Flood said after the committee vote that he had not spoken with Lathrop about his objections, but he planned to meet next week with him and Sen. Brad Ashford of Omaha, chairman of the Judiciary Committee.

Flood is in Washington, D.C., today to speak with President Barack Obama and other federal officials about the economic stimulus plan.

While Flood said he is not "at odds" with the committee, he made it clear that he opposes an amendment sought by Ashford that would narrow the qualifications for the death penalty.

The amendment would require, in most cases, that at least two aggravating circumstances be proven in order to sentence someone to die. The law now requires one.

Aggravating circumstances — such as the heinous nature of the crime, or if the slaying was part of a multiple killing — are weighed against mitigating circumstances, — such as the age or mental state of the convicted — in determining if a person deserves the death penalty.

Ashford said very few death sentences involve only one aggravator, so the amendment just recognizes what is already occurring in capital cases.

Flood said Nebraska law already contains enough safeguards to ensure that only the most heinous murderers get death. "We have a process in Nebraska that works," he said.

Lathrop disagreed, saying the death penalty ought to be studied over the summer, then taken up next year.

Ashford and Lautenbaugh joined Sens. Colby Coash of Lincoln and Mark Christensen of Imperial in voting to advance the bill. Lathrop and Sens. Brenda Council of Omaha, Kent Rogert of Tekamah and Amanda McGill of Lincoln opted for "not voting."

Eleven men sit on death row in Nebraska, which has not executed anyone since 1997.

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