

## Lethal injection bill advances to full Legislature

BY PAUL HAMMEL

WORLD-HERALD STAFF WRITER

LINCOLN – A vote Thursday morning sets the stage for debate on one of this year's most controversial legislative issues - whether to switch the state's method of execution to lethal injection.

The Legislature's Judiciary Committee voted 6-1 to advance the lethal injection bill to the full Legislature for debate. The action came almost a month after the committee had refused to endorse the measure, Legislative Bill 36.

Omaha Sen. Brad Ashford, chairman of the Judiciary Committee, said the death penalty is the most serious issue that is debated at the Capito. He said committee members wanted to make sure that all issues had been considered before the bill moved forward.

"In the final analysis, it's my view that the bill as is, and the Nebraska death penalty process, is not only constitutional but probably goes overboard in protecting the rights of the accused," Ashford said.

Several amendments designed to make the application of the death penalty more consistent were considered, but none adopted.

Those proposals included requiring two aggravating circumstances instead of just one to qualify for the death penalty, and having a panel of prosecutors, including the Attorney General, review cases to see if the death penalty should be pursued.

State Sen. Steve Lathrop of Omaha, who questioned the fairness of the death penalty and led efforts to seek amendments, said a meeting last week with Douglas County Attorney Don Kleine and Douglas County Public Defender Tom Riley convinced him "there's not anything we can do to make it less arbitrary."

Of the four committee members who were registered "not voting" on advancing the bill last month, all but Omaha Sen. Brenda Council voted for advancing LB 36 Thursday.

Council, a death-penalty foe, said she wasn't surprised that the lethal injection bill couldn't be improved.

"You can't make what is inherently arbitrary and capricious not arbitrary and capricious," she said.

Switching their votes from "not voting" to "yes" were Sens. Steve Lathrop of Omaha, Kent Rogert of Tekamah and Amanda McGill of Lincoln.

They joined three senators who previously supported the bill -- Ashford, Scott Lautenbaugh of Omaha and Mark Christensen of Imperial -- in voting to advance the bill.

Lincoln Sen. Colby Coash, who voted to advance the bill a month ago, registered "not voting" Thursday.

LB 36 is the priority measure of the Legislature's top official, Speaker Mike Flood of Norfolk.

Passage of the lethal injection bill seems assured -- 29 of 42 state senators who responded in a pre-session survey by The World-Herald said they supported lethal injection. Flood said floor debate may not begin until May.

Nebraska has been without a means to carry out the death penalty for 13 months, since the state Supreme Court ruled that the only current method, electrocution, was unconstitutional cruel and unusual punishment.

Eleven men sit on death row in Nebraska, which hasn't carried out an execution since 1997.

In a twist, the Judiciary Committee also advanced, on a 6-1 vote Thursday, a bill to repeal the death penalty. LB 306, introduced by Council, would not be debated until next year because it was not selected as a priority.

Ashford said both bills deserved to be debated.

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