HOUSE OF REPRESENTATIVES
EXECUTIVE SESSION
JUDICIARY COMMITTEE
April 11, 1979

The meeting was called to order by Chairman John Scully at 4:35 p.m. in room 436 of the Capitol Building on Wednesday, April 11. All members were present except Representatives Conroy, Rosenthal and Seifert.

HOUSE BILL NO. 924: Representative Lory moved "do not pass". Representative Daily moved a substitute motion "do pass". Representative Lory said he would withdraw his motion, but he wanted to amend on page 4, line 2, strike "shall" and insert "may".

REPRESENTATIVE KEMMIS: He spoke to the amendment. They are as likely to be converted out as into it, and chances are you will make them multiple offenders. A think they are a different type of person than some of the criminals. I think subsection 3 already speaks to this. Representative Lory withdrew his amendment.

Representative Kemmis moved to strike sections 3, 4 and 5 in their entirety.

REPRESENTATIVE PAVLOVICH: I think if a death results the should be a mandatory death sentence.

REPRESENTATIVE KEMMIS: This bill provides for a death sentence.

REPRESENTATIVE KEYSER: I think I am opposed to the motion. If a guy throws a bomb into a building and knocks off 20 people he should get the death sentence.

REPRESENTATIVE KEEDY: The net result of the motion is the same as inserting "shall" for "may", in my opinion. He discussed this at some length. On page 1, lines 21 to 25 there is a list. He discussed the mandatory minimum sentence. A quick look at 46-18-222 gives a lengthy list of mitigating circumstances. It just seems to me that if we try to build a shield of insulation around people then we suggest that there is something less objectionable than the same conduct by someone else. The people will be just as dead just as long if a victim for political purposes, or, as well as by a spirit of good fun.

REPRESENTATIVE HOLMES: Is it true that under 46-18-222, if there were mitigating circumstances does that not require that he just suspend or defer the sentence.

REPRESENTATIVE KEEDY: No, the exception would be buil right into this bill. He went on and explained further.

REPRESENTATIVE HOLMES: I have thought that they would be able to suspend the sentence, with that section.

REPRESENTATIVE KEEDY: They do not apply. He read the exceptions. That system is already built into our present structure.

REPRESENTATIVE KEMMIS: It is by putting subsection 3 in here that we are making a special case of the bombers. I am willing to go along with this bill if we strike the 3 sections.

REPRESENTATIVE LORY: What the crime is is bombing. I think we are unduly severe on just bombers. Discussion followed this comment.

REPRESENTATIVE IVERSON: The last item on the list excludes this.

REPRESENTATIVE KEEDY: The Mandatory minimum sentence on the first page of the bill would not be applicable in that situation. He asked Mr. Kemmis, is it true that you are in favor of this bill if that section were deleted.

REPRESENTATIVE KEMMIS: I would support the bill if this section were excluded.

REPRESENTATIVE HOLMES: What does this bill do that our murder statutes don't already do except to provide the death penalty.

REPRESENTATIVE KEEDY: I think you are blending into one concept, injury and death. I would say that the bill still does something because the offense is a bombing of a public place. That does not necessarily require death or injury.

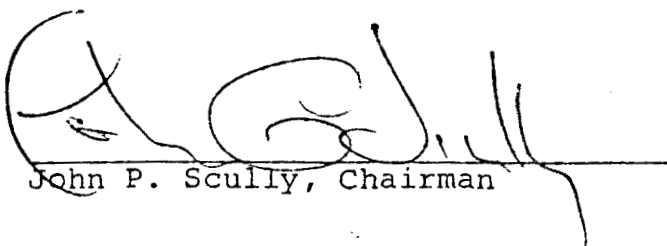The question was called and the motion failed by a roll call vote 7 yes and 9 no.

REPRESENTATIVE KEEDY: I move to amend page 1, line 16, following "carrier" insert "or private vehicle". Representative Curtiss asked if the title needed to be changed to accomodate that. The answer was no. The motion carried with Representatives Holmes, Eudaily and Keyser voting "no".

REPRESENTATIVE DAILY: I move "do pass as amended". The
                          motion carried by roll call vote,
with eleven voting yes and 6 voting no.

                          The meeting adjourned at 5:05 P.m.

John P. Scully, Chairman

JPS:mec