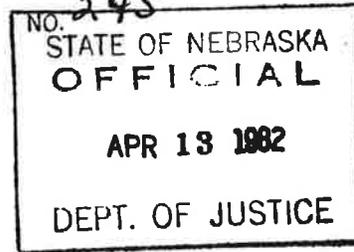


DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

TELEPHONE 402/471-2682 • STATE CAPITOL • LINCOLN, NEBRASKA 68509

April 12, 1982



PAUL L. DOUGLAS
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GERALD S. VITAMVAS
Deputy Attorney General
JOHN R. THOMPSON
Deputy Attorney General

Senator Ernest Chambers
Member of the Legislature
353 State Capitol
Lincoln, Nebraska 68509

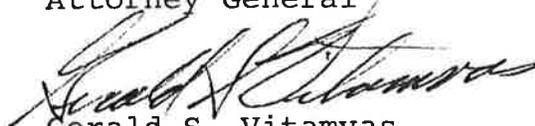
Dear Senator Chambers:

You have inquired whether the State of Nebraska, through its Legislature, may constitutionally exempt persons under the age of 18 years from the imposition of a sentence of death.

At the present time, we are aware of no constitutional impediment to a state limiting by legislation the class of persons upon which a sentence of death may be imposed. This opinion is limited to the instant question where the limitation is based upon a classification of persons -- juveniles -- which is already recognized by our statutes and uniformly granted unique treatment under the criminal laws of this country. See, Neb.Rev.Stat. §§43-201.01 et seq. (Reissue 1978); Neb.Rev.Stat. §43-247, §43-261 and §43-276 (1981 Supp.), operative July 1, 1982.

Very truly yours,

PAUL L. DOUGLAS
Attorney General


Gerald S. Vitamvas
Deputy Attorney General

GSV:jmf

m3

cc: Patrick O'Donnell
Clerk of the Legislature

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