

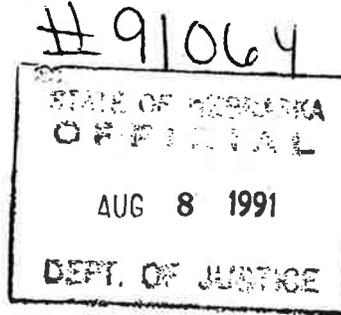


STATE OF NEBRASKA  
**Office of the Attorney General**

2115 STATE CAPITOL BUILDING  
 LINCOLN, NEBRASKA 68509-8920  
 (402) 471-2682  
 FAX (402) 471-3297

**DON STENBERG**  
 ATTORNEY GENERAL

L. STEVEN GRASZ  
 SAM GRIMMINGER  
 DEPUTY ATTORNEYS GENERAL



DATE: July 30, 1991  
 SUBJECT: Board of Pardons, LB 327  
 REQUESTED BY: Senator LaVon Crosby  
 WRITTEN BY: Don Stenberg, Attorney General  
 J. Kirk Brown, Assistant Attorney General

I.

You have asked whether, if LB 327 were enacted, a person receiving a sentence of "life imprisonment without possibility of parole" would be subject to having their sentence reduced to a term of years, a fine, or entirely eliminated by a majority vote of the State of Nebraska Board of Pardons. The answer is: Yes.

Under Article IV, Section 13 of the Constitution of the State of Nebraska the Board of Pardons has the authority to reduce or excuse any criminal penalty imposed upon an individual by the courts of this state. That power would be clearly applicable to a sentence of life imprisonment without possibility of parole.

II.

You next inquire whether some action of the Legislature, e.g. statute or resolution, could eliminate or restrict the currently existing power of the State of Nebraska Board of Pardons to reduce a criminal sentence of life imprisonment without possibility of parole. The answer is: No.

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It would require an amendment of this state's constitution to limit the current powers of the Board of Pardons. The legislative branch of government may not unilaterally alter or amend the provisions of the Constitution of the State of Nebraska. Article XVI, Constitution of the State of Nebraska.

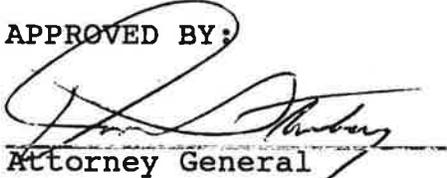
Respectfully submitted,

DON STENBERG  
Attorney General



J. Kirk Brown  
Assistant Attorney General

APPROVED BY:

  
Attorney General

45-29-2