



TO: Judiciary Committee
FROM: Tom Venzor, Executive Director
Nebraska Catholic Conference
DATE: February 17, 2021
RE: LB34 (Prohibit Death Penalty for Persons Under 21 Years Old) (Support)

The Nebraska Catholic Conference advocates for the public policy interests of the Catholic Church and advances the Gospel of Life through engaging, educating, and empowering public officials, Catholic laity, and the general public. I want to express our support for a specific provision within Section 2 of LB34.

Currently, Nebraska prohibits imposing the death penalty “upon any person who was under the age of eighteen years at the time of the commission of the crime.”¹ Section 2 of LB34 proposes a change to this law and would prohibit the death penalty from being imposed “upon any person who was under the age of twenty-one years at the time of the commission.”

The Nebraska Catholic Conference has long supported a broader repeal of the death penalty. In the absence of a broader repeal which was rejected by Nebraska’s voters in 2016, this Committee has an opportunity to look at more nuanced, incremental ways to repeal the death penalty.

To provide some context, the Church’s ethical approach to the death penalty can be summarized as follows. The state may exercise recourse to the death penalty, under certain conditions. Among those conditions is if non-lethal means are sufficient to defend the innocent and preserve public order and safety, then public authority should limit itself to such non-lethal means, as they are more in keeping with the common good and more in conformity with the dignity of human life.² In other words, we can ask ourselves: Is the death penalty absolutely necessary for the protection of public safety? Are there no other means by which to defend society from an unjust aggressor?

More recently, Pope Francis has further applied the Church’s traditional teaching on the death penalty and concluded that “the death penalty is inadmissible because it is an attack on the inviolability and dignity of the person[.]”³

This position recognizes the “primary purpose” of the penal system which is “to redress the disorder caused by the offense.” As the Pope John Paul II articulated: “Public authority must redress the violation of personal and social rights by imposing on the offender an adequate

¹ Neb. Rev. Stat. §28-105.01

² Pope John Paul II, *The Gospel of Life*, paragraph 56 (1995), available at http://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html (last accessed on Feb. 17, 2021).

³ “New Revision of Number 2267 of the *Catechism of the Catholic Church* on the Death Penalty,” available at http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20180801_catechismo-penadimorte_en.html (last accessed on Feb. 17, 2021).

punishment for the crime, as a condition for the offender to regain the exercise of his or her freedom.”⁴ And this position also recognizes that criminal law must also pursue other elements of justice, such as restorative and rehabilitative justice.

Section 2 of LB34 gives this Committee and the whole Legislature an opportunity to confront some important topics related to restorative and rehabilitative justice for those who are 18-, 19-, and 20-years old. In short, is the death penalty a just penalty for persons in their late teens and the early years of being a young adult? In light of the Church’s teaching on the death penalty and the need to balance justice and mercy, we believe the answer to this question is: No.

We respectfully ask the Judiciary Committee to prohibit the imposition of the death penalty on persons under the age of 21 at the time of the commission of otherwise capital offenses. Thank you for your time and consideration.

⁴ *The Gospel of Life*, paragraph 56.