

February 20, 1975

SPEAKER: Motion made and seconded that LB 77 . . .
Senator Goodrich, for what purpose do you arise?

SENATOR GOODRICH: Will the Clerk tell me if the amendment that was offered by Senator DeCamp has been adopted yet.

CLERK: No it has not been adopted.

SENATOR GOODRICH: I would move that we adopt the amendment, that is pending on the Clerk's desk, that was offered by Senator DeCamp yesterday.

CLERK: Mr. President, the DeCamp amendment is on page 548 of the Legislative Journal.

SENATOR GOODRICH: This is the amendment that saves the eight words, puts them over in jury instructions as opposed to leaving them in the definition. This is OK with all parties concerned, including the Attorney General's office. I move the adoption.

SPEAKER: Motion made and seconded to adopt the amendments as offered yesterday. They are found in the Journal this morning. Any discussion? Senator DeCamp, for what purpose do you arise?

SENATOR DeCAMP: Just to say the amendment does one other thing. I don't want anybody to be fooled on this. In the original bill we passed last year there was language that says the jury is the embodiment of community standards. This language is being stricken because it is felt by many people that this probably is unconstitutional. So the bill can be used for the useful purpose of cleaning up this particular language. The jury is the judge of what the community standards are, but the jury may not necessarily be the community standard itself. For example, you can have 12 people on the jury who were, let's say, the most liberal people in the whole world. It's not their standard, but what the community standard is, that they are to judge and determine. I hope you adopt the amendment. Without the amendment the bill can't really go on.

SPEAKER: Senator Dworak, for what purpose do you arise? Well, Senator Dworak, your light was on and I was just wondering if you . . . fine. Thank you sir. Any further discussion? Motion made and seconded to adopt the amendments to LB 77. Have you all voted? The Clerk will record.

CLERK: 28 ayes, Mr. President, 0 nays.

SPEAKER: What will we do with the bill?

SENATOR DWORAK: Mr. President.

SPEAKER: Senator Dworak.