

cause their arrest believing them to have committed willful concealment of library materials. This particular section that I'm talking about is modeled exactly after a section of law that we already have in this State having to do with shoplifters and it contains the same provisions. And I would like to read this section to you. (See page 969 of the Legislative Journal.) It says, "a library or its agent or employee who causes, pursuant to his or her duties, the detention or arrest of any person, whether on or off the library premises, shall not be held civilly liable for unlawful detention, slander, malicious prosecution, false imprisonment, false arrest, or assault and battery of the person so arrested, unless excessive or unreasonable force is used". And then it says, "this section shall provide immunity if in causing the arrest of such person, the library or its agent or employee had, at the time of the arrest, probable cause to believe that the person committed willful concealment of library material." And I think that pretty much parallels what the case law would be on the subject anyway, but we're putting it into the statute just as we have put it into statute with regard to shoplifters. So again, all you have left then in the bill is the section that I just read to you plus Section 1 which allows the recovery of attorney's fees and costs. The problem in the City of Lincoln and in most of your cities has been that the libraries have not been able, have not been able to get prosecutors, city or cities or counties to go out and help them recover materials or at least recover the value of the materials because the cost of obtaining recovery is greater in many, many instances, than that which they could recover. So the purpose of the bill is to make clear that attorney's fees and costs can also be recovered which would allow, which would give some incentive to people who take library materials to get them, to get them back. I would ask the adoption of the amendment, Mr. Clerk.

PRESIDENT: Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, Senator Beutler has agreed to a division of the question. So could we do that and then vote on Section, I mean the first one of his amendment, the first part which is to strike Sections 2 through 9 and I