

February 24, 1984

LB 1095

CLERK: Mr. President, 1095 introduced by Senator Pirsch. (Read title.) The bill was read on January 18, referred to the Judiciary Committee, advanced to General File. I have no amendments to the bill.

PRESIDENT: Chair recognizes Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. President. Members of the body, this is a landmark bill. This bill came out of Committee. I think it's the only bill of Senator Pirsch's that was ever advanced by Senator Chambers. So you know it has to be a good bill. LB 1095 reduces the penalty in the case of first conviction for carrying a concealed weapon from Class IV felony to a Class I misdemeanor. This change reduces the maximum penalty under this section to one year imprisonment or \$1000 fine or both for the first offense. Second and subsequent offenses would remain Class IV felonies. Now what brought this to my attention was the sheriff in Douglas County who said that prosecutors in Nebraska are often reluctant to file charges against persons carrying concealed weapons because the penalty is a felony and may result in a large fine or a long prison sentence which may not in all situations be justified. As a result, those persons carrying concealed weapons are not prosecuted at all. Making this crime a misdemeanor for a first time offense would encourage prosecutors to file charges against all offenders and would help alleviate the problem of selective prosecution. With that, I would urge your advancement of LB 1095.

PRESIDENT: Chair recognizes Senator Wesely.

SENATOR WESELY: Thank you. Mr. President, members of the Legislature, looking at the bill book on 1095, Senator Pirsch, I'd ask you if you could relate to me the testimony of the opponents from Lincoln Police Department and Lancaster County Attorney. I haven't heard directly from them but there was some opposition to the bill and I'd like to know, if you could. I'd hate to have you summarize their concerns but your reaction to them, as well.

SENATOR PIRSCH: Surely. And it did bring out an