

SENATOR SYAS: Well, I am ready, but Senator Chambers isn't here so we had better wait, it concerns him very much, so we had better wait until he gets back here.

PRESIDENT: Maybe we can pass over that one temporarily, what about 568, Senator Luedtke? That is your Judiciary Committee bill, do you want to take it up at this time? I think the title has been read.

CLERK: No, it hasn't.

PRESIDENT: Has not? Excuse me, Clerk will read the title to LB568.

CLERK: (read LB568).

SENATOR LUEDTKE: Mr. President, I move the adoption of the committee amendments, Mr. President. Mr. President and members of the Legislature, LB568, as amended would be the bill, in other words, the committee amendments are substitutes for the entire bill because you strike the entire bill and substitute three sections for what was a bill that you have only, well there were three sections in the original bill, and there will be four sections in the new, with the amendments because you will have the final section, but anyway, this is a bill that was requested by the Governor as part of the package plan to reduce the numbers of the population of those that are in the penal complex and this deals with no count checks, those convicted of no count checks and those convicted of insufficient funds checks charges, felony convictions. At the present time, the law reads \$75, writes a check for \$75 or more, he can be committed upon conviction to the penal complex as a felon. For many years, there was a feeling that we were filling the penitentiary, particularly, reformatory, the penitentiary the penal complex, with these particular convicted persons and that there ought to be other ways of rehabilitating these people rather than

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to send them to a state institution of a type of a penitentiary or reformatory, so the Governor suggested and he was backed up by various proponents, including the warden, the penal complex Warden Wolfe, who appeared in favor of the bill, to make this change to a thousand dollars. The way that the bill was originally drawn, it was kind of interesting, there was an error in the original draft of the bill that was brought over here by the Governor's office, that it would have allowed no penalty for under a thousand dollars, and that is why the amendment was necessary. The amendment and its idea was that under a thousand dollars, that it would be, if you were convicted of uttering a check that or writing a check for under a thousand dollars, that you could be sent to a county jail, you could be fined or in other words, you would not be considered a felony conviction. Now the changed bill still leaves the break at a thousand dollars, there has been some, there was discussion of the committee about changing that but no change was made. The change was only that of clarifying the fact that under a thousand dollars, the individual would be fined and or sent to a county jail, you will note under the terms of the bill though that they could still be in prison even for the felony conviction could be sent to the penal complex or to the county jail, that is under section one and section two. I want to point out also to you that section three of this bill or of the amendment, which we are talking about, adds a new matter, which the committee did not have in the original bill, and this is what you call an affirmative defense section, which says that if the individual who knowingly receives this check, who knowingly realizes that this person does not have this thousand dollars in the bank or this thousand dollars, or doesn't have a bank account at all and