

March 8, 1979

LB 450

whether you want to continue helping the police or make it a little more difficult for the police and arresting officers or make it easy for the convict or criminal. Thank you.

SPEAKER MARVEL: Senator Johnson and then Senator Koch.

SENATOR JOHNSON: I am not going to spend as much time discussing the bill today as I did on Monday because I know the hour is very late. I did indicate that I thought the bill itself was not a very well drafted bill. I do not take any responsibility for the authorship of the bill. The bill itself was introduced by the Judiciary Committee itself of which, as you well know, Senator Nichol is the chairman. This is not... Senator George came up to me the other night and he said, Senator Johnson, he said, I heard you talk about the bill. I think there was one point you did not make clear and I want to make that point clear now. When I complete amendments to LB 450 I do not intend to take arrest records and make them unavailable to law enforcement agencies. I think arrest records have a useful place in the hands of law enforcement agencies. On the other hand, I do intend to make arrest records unavailable to the public and the reason I intend to do that is because of the well documented and well known adverse effect that arrest records have on an individual's employment opportunities. We are concerned in this state about jobs and if we are concerned about jobs, we have got to be concerned about eliminating or reducing the barriers to employment, and arrest records, contrary to what Senator Nichol says, are absolutely public documents. Last year this body passed a Criminal Records History Act which makes my arrest record, Senator Reutzel's arrest record, everybody's arrest record free game. All I have to do is go down to the Omaha Police Station, pay a fee, and I can get that arrest record. The Criminal Records History Act says exactly that. So what I am intending to do with 450 is clean it up, make certain that arrest records stay where they should be with the law enforcement agencies and keep them out of the place where they ought not to be, to wit: the hands of the public that in turn can misperceive an arrest record, can see an arrest record as a conviction record when, in fact, it is not, and harboring under old biases and prejudices, continue to work a real hardship on a young man or a young woman, or an older man or an older woman who is seeking employment and that is where the critical factor is. Arrest records do stand as a true barrier to employment opportunity and we need to deal with this serious problem.