

March 19, 1979

LB 524

rights because the indictment would be a matter of public record anyway. So I move that these two amendments be adopted.

SENATOR MARVEL PRESIDING

SENATOR MARVEL: The motion is the adoption of the committee amendments to LB 524. All those in favor vote aye, opposed vote no. Have you all voted? We are voting on the committee amendments to LB 524. Have you all voted? Clerk, record the vote.

CLERK: 25 ayes, 0 nays on the adoption of the committee amendments.

SPEAKER MARVEL: The motion is carried and the committee amendments are adopted. Is there another amendment on the desk, Mr. Clerk?

CLERK: Mr. President, Senator Murphy moves to amend LB 524: Strike subsection 3 of section 3 on page 4.

SENATOR MURPHY: In looking through this bill, and God Bless Us, I am not an attorney, but I do feel that if we permit this particular procedure that we will utterly destroy any chance of a prosecuting attorney developing a logical and in any sense private prosecution of that case. If I can come in and demand all of the information that he has in his file, what in the world is he going to use for a case? I might just as well call and advise the defendant as a prosecutor of exactly what I propose to do, who my information sources are, what the degree of that testimony is and I think that we are destroying here a section of law dealing with the ability to prosecute a case properly that is totally unwarranted. I can't imagine being a prosecuting attorney and being put in this position by a witness that I must release to him and thereby his attorney the entire procedure, file, sources of information dealing with a case totally, and accordingly, I think this section should be removed.

SPEAKER MARVEL: Your motion is on...this is your amendment.

SENATOR MURPHY: Strike section 5 or section...subsection 3 of section 3.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, I wish members would turn to