

May 10, 1979

LB 152

may do but I think when you set up a proposition where law enforcement officials can determine that some people will be allowed to continue gambling by not being charged with a second offense which will be a felony and others can be driven out of the field by being charged or threatened with a felony charge, you are producing a temptation to law enforcement officials to be arbitrary. Either everything should be a felony across the Board so that anybody caught will face the same penalty or there should be no felonies, and if people would ask me....

SPEAKER MARVEL: You have one minute.

SENATOR CHAMBERS: ...about what would happen if the law is brought into play where it is just a matter of a misdemeanor, that is not as painful. It is not placing one in the penitentiary for doing what another is allowed to do. From the gambling earnings, the fine can be paid and I am telling you I don't like gambling legal or illegal, but since you are going to legalize it in some respects, then disparities should be diminished as much as possible. Ak-sar-ben should not be allowed along with the churches to conduct legal gambling sitting in comfort but somebody else will sit in the penitentiary for doing the same thing. So if you are intent on having some penalties, don't make them as harsh as what Hoagland, Warren, Anderson and Anderson want. I am opposed to the adoption of the amendment.

SPEAKER MARVEL: Senator DeCamp, your light is on, do you wish to be recognized?

SENATOR DeCAMP: I agree with a lot of what Ernie says. The only problem is have to face reality. I am making it a misdemeanor for first offense and it is a felony for second offense above a certain amount. The players are not involved. Bookmaking is what the big concern was so that is what I made the felony for and it is the lowest grade felony. That doesn't mean the prosecutor has to file the felony. That is again a judgment matter. Obviously, if I had my choice, I would do what Senator Chambers recommends. You have to face reality though and deal with what is possible and I think this is what is possible. I urge you to adopt the amendment and advance the bill.

SPEAKER MARVEL: The motion is the adoption of the DeCamp-Hoagland amendments to LB 152. Senator Johnson, do you wish to be recognized?

SENATOR JOHNSON: Yes, Mr. Speaker. Mr. Clerk, I have a