

March 3, 1980

LB 731

issuance of a search warrant on an affidavit given over the telephone, what they call a telephonic search warrant, two different parts to the bill. Now the committee amendment deals with the second part. It deals with the telephonic search warrant. The telephonic search warrant basically provides that the judge authorizes an officer to execute a duplicate, what is called a duplicate search warrant. At the same time that the officer executes the duplicate search warrant on the other end of the telephone the judge executes the original search warrant. The committee amendment which was a suggestion from the Civil Liberties Union, and although not friendly I think it was a good suggestion, basically says that this original warrant that is done by the judge shall be done immediately, that is while he is talking on the telephone with the police officer, he will do the original warrant and he will sign the original warrant at that time and he will also enter on the face of the warrant at that time the exact time that the warrant was ordered. Okay, this cleans up a little bit the original provisions of Section 2 on page 6 of the bill and that is the intent of the committee amendment. I would move that it be adopted.

SENATOR CLARK: The motion before the House is the adoption of the committee amendments. Is there any discussion? If not, all those in favor vote aye, those opposed vote nay. The motion is on the adoption of the committee amendments to 731. Voting aye, Mr. Clerk.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? Voting on the adoption of the committee amendments for 731. Would you please vote? Record the vote.

CLERK: 27 ayes, 0 nays on the adoption of the committee amendments, Mr. President.

SENATOR CLARK: The committee amendments are adopted. The Chair recognizes Senator Beutler on the bill, 731.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, let me explain again that the bill basically makes two changes. It allows for an oral affidavit in support of a search warrant and it allows for a second kind of an oral affidavit in support of a search warrant and that is a telephonic affidavit in support of a search warrant. The whole purpose of the change is to make the criminal