

March 7, 1980

LB 782

you have an arrest record. I don't know that but I want to know whether or not you do.

SENATOR JOHNSON: Sure.

SENATOR VENDITTE: I have to have your written permission before I look into your record?

SENATOR JOHNSON: No, you do not have to have my written permission to look into the record.

SENATOR VENDITTE: Okay, then with the passage of this bill would I then need your written permission?

SENATOR JOHNSON: You may always look into my record, however, if the arrest record itself was not followed by any action, if there was a decision not to prosecute, then if it is more than one year old, you, the bank owner, will not be able to get that from the police department.

SENATOR VENDITTE: I guess that is, therein is where my concern lies, Senator Johnson, and for that reason I would have to oppose the bill. That is all, Mr. Speaker.

SENATOR POWERS: Mr. Speaker, I would like to ask Senator Johnson a question. If the arrest record is not available to the public generally after one year except in the case if the prosecution hasn't been completed or the prosecution hasn't been forwarded, would that mean that...suppose that I am arrested and I find some astute attorneys who get the thing delayed and delayed for two years and then I am tried and regardless of the outcome, is it from that point on for one year that that arrest record is available?

SENATOR JOHNSON: No, arrest records are always available when there has been a completed prosecution or even when there is a pending prosecution so if your case is still pending at the end of that year that arrest record is available. You have to bear in mind, Senator Powers, we are dealing with arrest records, not conviction records. There is a tremendous difference between being arrested for a crime and being convicted for the crime.

SENATOR POWERS: I understand, thank you.

SPEAKER MARVEL: The motion is the advancement of the bill. All those in favor of advancing 782 to E & R for review vote aye, opposed no. Have you all voted? Have you all voted? While we are waiting for those who wish to vote to vote, in the North balcony and we may have missed some of