

March 13, 1980

LB 696

696 to include several other provisions relating to the criminal code. The Judiciary Committee repealed all the original committee amendments in their combined form, separated these amendments, then voted on these amendments one at a time. This is the same procedure I would like to follow today in regard to the adoption of the committee amendments. You will find the ordinary Judiciary Committee amendments on page 924 of the Legislative Journal. The first committee amendment is the addition of the emergency clause to the bill. I would, however, suggest to taking that amendment last after the consideration of the other committee amendments. The first amendment I would like to take up is listed on page 924 of your Journal as the second proposed committee amendment. This amendment would insert the word "traffic" after the word "nonmoving" on page 2, line 8 of the green copy of the bill. The purpose of this amendment is as follows: As previously mentioned the original bill consolidated two separate statutes dealing with the using a motor vehicle to avoid arrest. Because these provisions were contained both in the criminal code and in the section of statutes dealing with motor vehicles, some prosecutors were having difficulty in deciding which section of the statutes to file charges under. The committee took the section out of the motor vehicle section and inserted them into Chapter 28 of the criminal code. When taken in this context it was not all together clear that the nonmoving violations previously referred to in the motor vehicle section referred to traffic. The purpose of this amendment is to make it clear that the nonmoving violations referred to in the original bill are nonmoving traffic violations. This is the sole purpose of the amendment. It is clarifying the nature and I move for the adoption of this committee amendment, Mr. Chairman.

SPEAKER MARVEL: The motion is the adoption of the first set of committee amendments to LB 696. All in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 27 ayes, 0 nays on adoption of the Judiciary Committee amendment number two, Mr. President.

SENATOR NICHOL: Mr. Chairman, the second amendment I would like to consider is found on page 924 of the Legislative Journal and is referred to as Request 2141. The purpose of this amendment is to reinsert in the criminal statutes regarding theft of rented or leased property "a presumption to deprive" if a lessee or a renter fails to return leased or movable property to the lessor after the expiration of a written lease or written rental agreement. It further specifies that such lessee must be mailed notice by certified mail that such lease or rental agreement has expired