

March 17, 1980

LB 605

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I just had the opportunity to read this handout that Senator Haberman gave us and it seems to me that there may be a refiling or an appeal of this judge's decision which would mean that the case has not been concluded. It is possibly in the realm of an active prosecution so I don't know exactly what point Senator Haberman is making. I will now address myself to the bill as it has been amended but before I do that I have to ask a question of Senator Haberman. Senator Haberman...

PRESIDENT: Senator Haberman, will you respond?

SENATOR HABERMAN: Yes.

SENATOR CHAMBERS: With this amendment are you saying that Colonel Kohmetscher has now told the Legislature that if there is an unruly crowd which does not want to disperse, having this bill that you have amended on the books will make them disperse?

SENATOR HABERMAN: It will make it easier and make it legal for them to do so. They will be able to do their job better so the answer is yes.

SENATOR CHAMBERS: If you have, as was mentioned in the letter by Colonel Kohmetscher, a small number of officers or maybe one officer who cannot now break up a crowd because there are too many people and the perpetrators of whatever act was illegal have retreated to the interior of the crowd, how will that officer with this bill now be able to go into that kind of crowd and apprehend the individual?

SENATOR HABERMAN: Did you say how would he without or with?

SENATOR CHAMBERS: He...all right, now based on this letter he can't do it now because there is a danger to him from an unruly crowd. Let's say that tomorrow an unruly crowd comes into existence. A perpetrator of an act which a peace officer thinks is illegal commits it and then moves to the middle of that crowd. How will having this bill enable that one officer to disperse that large crowd?

SENATOR HABERMAN: Senator Chambers, I'm afraid you are asking the wrong person. You will have to ask either the police officer or Colonel Kohmetscher because I can't answer it.

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