

May 1, 1981

LB 411

their differences, and these differences were ironed out by the committee amendments. So the bill is in good shape at the present time, and we have complete support of the different defense attorneys. So I encourage you to advance the bill. I move for the advancement.

SENATOR CLARK: The motion before the House is the advancement of 411. Senator Johnson.

SENATOR V. JOHNSON: I have a question, Mr. Speaker, of my colleague and good friend, Senator Sieck, about the bill, and that is this, Senator Sieck, law right now says that we have to put a person to trial within 6 months after the charge is commenced. That is a law that was passed about 5 years ago, and it has been a pretty good provision. It is designed to ensure a speedy trial. I am a little nervous about the fact that you can appeal pending a trial to get some of these suppression questions resolved. What effect do you think your bill, 411, would really have on a defendant's right to go to trial within 6 months after the charge was commenced?

SENATOR CLARK: Senator Sieck.

SENATOR SIECK: I am no attorney, Vard...Senator Johnson, so I...it's very difficult for me to answer that question. But I don't feel that this bill will have any effect, because I think it gives the individual a right to suppress evidence. That's what it is.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, I am going to support the bill because I think Senator Sieck is dealing with an issue that is quite important, specifically getting a final court determination on some evidentiary rulings that are made prior to trial by the trial court. However, it may well be that on Select File I will offer an amendment to require the appellate court to entertain those suppression appeals before any other appeal that's pending before it just to ensure that the defendant does have his rights to a speedy trial honored rather than held in abeyance.

SENATOR CLARK: Any other discussion? Senator Hoagland.

SENATOR HOAGLAND: I would like to ask Senator Sieck a quick question, if I might.

SENATOR CLARK: Senator Sieck, one quick question.

SENATOR HOAGLAND: Senator Sieck, I have not had the opportunity to review this in detail, but as I understand from