

January 7, 1982

LB 347

amendments pending by the Judiciary Committee.

SPEAKER MARVEL: Senator Nichol, do you wish to discuss the amendments to LB 347?

SENATOR NICHOL: Mr. Speaker, members of the Legislature, this one we could probably go on the rest of the afternoon but I will try to make it brief as possible. First of all, as far as the committee amendments are concerned, the Judiciary Committee adopted two substantive amendments to 347. The first amendment clarifies some of the language found on page 7 contained in 28-309 (c). This provision deals with assaults in correctional institution. First of all, we remove the outdated language: "Nebraska Penal and Correctional Complex" and insert the "Department of Correctional Services". Secondly, we struck the words "unlawfully assaults or threatens another in a menacing manner" as we felt the remaining language in line 19, "unlawfully strikes or wounds another" was more specific and did not lend itself to more than one interpretation. Also I have an amendment following the committee amendments which clarifies the language in line 17 on page 8 to bring the municipal jails under this provision but I intend to do that on Select File instead of here. While the counties have taken over most municipal jails throughout the state, there are still some city facilities, notably Lincoln, which should be brought under this act. The second amendment the committee adopted to LB 347 is to strike all of Section 9 in the bill. This section originally provided that the value of property taken as a result of multiple thefts could be aggregated for the purpose of prosecution. Now after public hearings the committee felt that this section could lend itself to entrapment of employees and might be the subject of abuse. For this reason the committee amendment struck original Section 9 from the bill. The other two amendments are simply clarifying internal references. I move for the adoption of the committee amendments.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 347. All those in favor of the adoption of those amendments vote aye, opposed vote no. Record the vote. Have you all voted? It takes 25 votes. Record the vote.

CLERK: 25 ayes, 0 nays on adoption of committee amendments, Mr. President.

SPEAKER MARVEL: Committee amendments are adopted. Senator Nichol, do you wish to explain the bill?

SENATOR NICHOL: Yes, Mr. Speaker, every year rather than