

January 28, 1982

LB 465

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed nay. The amendments are adopted.

CLERK: Mr. President, Senator Pirsch now would move to amend the bill and her amendment is on page 431 of the Legislative Journal.

SENATOR CLARK: Senator Pirsch.

SENATOR PIRSCH: Thank you. I passed out also on your desks and I believe it was yesterday, we have been waiting for 465 to come up for about four days but it is in your Journal now and these are the amendments that I promised you when it was moved from General File. It simply cleans up the drafters' error that we did not catch and cleans up and makes it clear that we shall not include any credit for time spent in custody prior to sentencing which was also a drafting error. And then because of the debate on General File we did eliminate the "threatens in a menacing manner" from the language in that statute. I believe that that would take any objection from those who felt that threatening was of the same classification of punishment as the actual act of assaulting. I would move the amendments to LB 465.

SENATOR CLARK: Is there any discussion on the Pirsch amendment to 465? Senator Beutler. We have an amendment to your amendment.

CLERK: Mr. President, Senator Beutler would move to amend the Pirsch amendment by adding the following language at the end of Sections 3 & 4. (Read Beutler amendment as found on page 455 of the Legislative Journal.)

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, this is a clarifying amendment which I think Senator Pirsch agrees to which is designed to take care of one particular situation that could arise but which would not likely arise often. But under Senator Pirsch's amendment time spent in custody would not be counted twice or that is the design of the amendment but it is conceivable that somebody could be in custody for a prior offense and then the time that they were required to spend in jail on that prior offense could come to an end while they were still in custody for an offense under this section, in which case they would not get even a single credit for the time spent in custody which would be contrary to the way we treat all other prisoners. So this is just to clarify that particular situation and as far as I know there is no controversy on it. Thank you.