

March 31, 1982

LB 852, 869

with the emergency clause attached. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 1517-1518 of the Legislative Journal.) (28 ayes, 18 nays, 3 excused and not voting.)

PRESIDENT: LB 852 passes with the emergency clause attached. The next bill on Final Reading, Mr. Clerk, is LB 869.

CLERK: Mr. President, I have a motion on the desk.

PRESIDENT: Read the motion, Mr. Clerk.

CLERK: Mr. President, Senator Chambers would move to return LB 869 to Select File for a specific amendment, that amendment being to strike the enacting clause.

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I sought an Attorney General's opinion on this bill because I do think it is overbroad in its reach and if you will turn to pages 1462 through 1464 of the Journal you will be able to see some of the comments that the Attorney General wrote which I will refer to. Now his conclusion is that the bill probably can withstand constitutional challenge. In other words in the opinion of the Attorney General's office there is no serious constitutional problem with the vagueness or broadness found in this bill. I disagree with that opinion but, nevertheless, I wanted to get that out of the way first. His concluding paragraph is this and it is found on page 1464. "While we question the necessity of proscribing such a wide range of conduct, we leave that decision to the best judgment of the Legislature and are of the opinion that if this provision is enacted, it most likely would be upheld as being constitutional." Now in the paragraph above that the last sentence in the next to the last paragraph says, "we question in passing whether its authors intended such broad application." Some of the questions I raised in my letter to the Attorney General I talked to you about on the floor. One of them dealt with the age or the youth of the individual who could be prosecuted under this act for altering any form of identification and the Attorney General did agree that because of the language of this bill there is no limitation as to age. It could be anybody no matter how young so long as they could form the requisite intent to alter this identification. So you are not just dealing with adults. You're not even dealing with those who are in their upper teens. You're dealing with kids who could just be