

February 11, 1986 LB 772

CLERK: 9 ayes, 0 nays to go under call, Mr. President.

SPEAKER NICHOL: The house is under call. Will those outside the Chamber, please return to the Chamber and record your presence. Those not in the Chamber, please return and record your presence. Unauthorized personnel, please leave the floor and please return to your desks.

SENATOR CHIZEK: Take call ins, Mr. Speaker.

SPEAKER NICHOL: All right. We are voting to cease debate for those coming in.

CLERK: Senator Pirsch voting yes, Senator Beyer voting yes, Senator Baack voting yes, Senator Withem voting yes, Senator Morehead voting yes, Senator Scofield voting yes.

SPEAKER NICHOL: Record, Mr. Clerk.

CLERK: 25 ayes, 1 nay to cease debate, Mr. President.

SPEAKER NICHOL: Debate has ceased. Senator Chambers, would you like to close please?

SENATOR CHAMBERS: Yes, Mr. Chairman and members of the Legislature, I would like to ask Senator Beutler a couple of questions. Senator Beutler, when you mentioned murder and the need to prove intent, the murder is the overt act that we are talking about. In this case, what in addition to intent makes up the crime? And don't take all 5 minutes if you don't mind.

SENATOR BEUTLER: In addition to the intent, Senator Chambers, in the provisions...I assume you are talking about subsection (1). Then you can read it as well as I.

SENATOR CHAMBERS: Thank you. Senator Beutler doesn't want to answer the question. There is nothing other than intent. The crime is your intent. If he talks about murder, burglary tools, possession of narcotics, you have got the tools that are for a specific purpose and that purpose can only be illegal. The narcotics you have no legal right to possess but possession is the overt act. Possessing with the intent to deliver is a more aggravated form of the crime but the overt act is the possession. In this case that I am talking about, the only crime is the intent. There is no