

it's the federal Constitution of this country, there was no legal basis to put this private citizen through this meat grinder known as the criminal justice system. The person, if he or she is poor, could have been arrested prior to trial and held incarcerated because of an inability to post bond. Senator Landis mentioned the cost of an attorney if the person happens to be able to afford one. So when society, through the Legislature, has put a punishment on the books, should you engage in certain conduct and the courts rule that the Legislature did not have the authority to do that, why are we as legislators going to say that that one individual in addition to being put through the trauma of a criminal prosecution have to bear the cost of it out of his or her own pocket and the state, through the Legislature, gets away scot free. The state has deep pockets. The state can afford to compensate a citizen for improperly and wrongfully running that individual through the criminal justice system. Senator Wickersham, I had a traffic charge brought against me down here in Lancaster County and I read the complaints when they are filed against me. It just happens that the one that they filed against me they had been using for ten years and it was unconstitutional, but it took me handling the case myself to determine that and take it through all of the legal steps that compelled Lancaster County to stop bringing unconstitutional charges against citizens. Other people cannot afford the cost of a lawyer because it's cheaper to go ahead and plead guilty to these minor types of infractions, pay the fine and just go ahead. The city council in Omaha a year or so ago was very offended when a federal appeals court, or maybe it was the district court determined that an ordinance that the city council had enacted was unconstitutional. The council members were so piqued and irritated at the court that they said they were going to leave this ordinance on the books, it would continue to be enforced. They did that even though the police division and the city attorney told them that if you leave it on the books there are officers who are going to feel a requirement to enforce it. It's already been declared unconstitutional.

SPEAKER BAACK: One minute.

SENATOR CHAMBERS: So, Senator Wickersham, when we could have a county attorney's office and a city council which are going to behave in a way clearly unconstitutional, why should the citizen be confronted with this. To keep law enforcement officers from violating people's constitutional rights in obtaining evidence,