

person and, it says, not or, and the person doing the following or harassing has to make a credible threat, in addition. So now you have to prove credible threat. How do you prove credible threat? Credible threat is defined in lines 16 through 21 of page 2. And you're going to have to show that the person has an intent to carry out a threat, that they have the ability to carry out a threat, that the person who is the target of the threat has to have reasonable fear for his or her safety, and now, get this, in addition, the threat must be against the life or a threat to cause great bodily harm, and that is, I suppose, ... I don't know how that compares to serious bodily harm, which is the current definition in our statute. That's a new definition, serious bodily harm. So in other words you can't convict anybody under this statute, even if they're threatening somebody, unless it's a threat that involves a threat to life or great bodily harm. Now is that all you have to prove in order to have a conviction, under this statute? No, now you're two ways...two-thirds of the way through the definition. Besides showing following or harassing, and besides showing a credible threat involving serious bodily harm or threat to life, then you have to show, in addition, that there is outstanding and in effect prohibiting this behavior either a restraining order, or a protection order, or an injunction, or a no contest order. So this bill doesn't do anything for anybody, unless they've already gone through the court system and gotten one of these four types of orders. So here you are, as I count them, ...

PRESIDENT MOUL: One minute.

SENATOR BEUTLER: ...with 7, 8, 9, 10, 11, 12, 9 to 12 different proofs. This is a statute that would cost so much money to prosecute, it would be so difficult to prosecute, and could be used in such a narrow, limited circumstances, and in addition is inferior to a statute that we already have, called assault in the third degree, that I suggest to you and submit to you for your consideration that we're making a serious error in passing this, and that we need to go back and revisit this next year. Thank you.

PRESIDENT MOUL: Thank you, Senator Beutler. Senator Robak, followed by Senator Chambers. Senator Robak.

SENATOR ROBAK: Thank you, Madam President and members of the body. I rise to strongly oppose returning LB 1098 back to