

**ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012**  
**COMMITTEE STATEMENT (CORRECTED)**  
**LB948**

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**Hearing Date:** Friday January 27, 2012  
**Committee On:** Judiciary  
**Introducer:** Lambert  
**One Liner:** Change provisions and a penalty relating to intimidation by telephone call

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 8 Senators Ashford, Coash, Council, Harr, Larson, Lathrop, Lautenbaugh, McGill  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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<b>Proponents:</b> SEN. PAUL LAMBERT DAVID PARTSCH LEE POLIKOV	<b>Representing:</b> INTRODUCER NE COUNTY ATTORNEY'S OFFICE SARPY COUNTY ATTORNEY
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<b>Opponents:</b>	<b>Representing:</b>
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<b>Neutral:</b>	<b>Representing:</b>
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**Summary of purpose and/or changes:**

LB 948 would amend 28-1310 (Intimidation by telephone) to add that the intimidation identified under this section can also occur through the use of an electronic communication device.

Electronic communication device is defined under this section as, "any device which, in its ordinary and intended use, transmits by electronic means writings, sounds, visual images, or data of any nature to another electronic communication device".

The penalty under this section has been increased from a Class III misdemeanor (90 days/\$500/both) to a Class I misdemeanor (1yr/\$1,000/both).

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**Explanation of amendments:**

AM 2310 makes the following changes to LB 948:

Amends Section 1, subsection(d) of 28-1310, to clarify that this subsection only applies to violations using "telephonic devices". The introduced version of this bill allowed for violations to occur through the use of any "electronic communication device." The committee believed that this subsection was best suited for telephone based technology as it currently provides in statute.

Amends the previous penalty provided under subsection 4, of the original copy of this bill from a Class I misdemeanor (1yr/\$1,000/both) to Class II misdemeanor (6months/\$1,000/ both).

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Brad Ashford, Chairperson