

SPEAKER LUEDTKE: This is Article 2. Would you just describe to the members of the Legislature the pages in the bill that Article 2....

SENATOR BARNETT: We only have about three pages that are involved today. I think it starts on page 11. It's right at the bottom of 2, but it starts on page 11, 12 and 13 and maybe three-fourths of 14. So if they can follow on that we'll be on page 11, talking about section 10. This provides for an attempt to commit a crime such crime being either a felony or a misdemeanor. Generally, provides that the attempt to commit a crime will be punished according to the classifications for felonies and misdemeanors, but the punishment to be one step below that of the punishment for the crime that is attempted. The law, at the present time, generally does not provide for attempts to commit crimes. There are specific statutes, such as Section 28-532, the attempted burglary statute, where the penalty for the attempt is equal to the penalty for the burglary itself. This is a little different in the fact that the attempt will be one step below the punishment for the crime. That is Section 10. Section 11. This is the section on criminal conspiracy. This section changes the existing law, 28-301, by allowing for a criminal conspiracy only infelony matters. It makes the further extension of the law, in subsection 2, in that the person conspiring with another, and he knows that the person is also conspired with a third party to commit the same crime, that the first party will be guilty of conspiring to commit the crime with the third party, whether or not he knows their identity. Subsection 3 would appear to differ from existing law in that if the conspiracy involved is to commit a number of crimes, that the conspirator would only be guilty of one of the crimes, provided that the multiple crimes being considered are the object of the same agreement or continuous conspiratorial relationship. Subsection 4 deals with the penalty provision and provides that the conspiracy shall be punished as a crime of the same class of the most serious offense which is the object of the conspiracy with the exception that a Class I felony conspiracy will be punished as a Class II felony. That is Section 11. Section 12 provides an affirmative defense for criminal conspiracy if the defendant should completely renounce his criminal intent and give warning to law enforcement authorities or otherwise make a reasonable effort to prevent the conduct or results of the conspiracy. There is no comparable, affirmative defense, statutorily, at this time. That was, I believe, where we added the amendment to make it clear in the language. Section 13. This is comparable right now with 28-202, which is accessory after the fact. This section seems to incorporate Section 28-737 of the present statutes which makes it a crime to, corruptly or by threat or force, endeavor to influence, intimidate or impede a juror, witness or officer in any court of this state in the discharge of his duty, or shall corruptly, or by threats force, obstruct or impede or endeavor to obstruct or impede the due administration of justice therein, as well as Section 28-744 of the Nebraska statutes, which makes it unlawful for any person to furnish information he knows to be false to any law enforcement officer with the intent to impede an investigation of an actual criminal matter. This section further provides, in subsection 3, that if the accessory knows of the conduct which constitutes the criminal act, the crime will be a Class IV felony. The present statute requires that the person must