

April 13, 1977

LB 209, 534, 535, 114

SENATOR MARVEL: Are you withdrawing your objections? The motion, the objection, I am sorry, the objection has been withdrawn. If no other objections, the bill is bracketed until April 19th. The next bill is LB 114, Senator Stoney.

CLERK: Mr. President, there is a Reference Committee report referring LB 534 and 535. There is a Committee on Committees report which will be inserted in the Journal. Mr. President, LB 114 introduced by Senator Stoney of the 4th District. Read title. There are no committee amendments or other amendments pending.

SENATOR MARVEL: Senator Stoney.

SENATOR STONEY: Mr. President, members of the Legislature, after what I have seen of some of the bills that have preceded dealing with litter, I think that perhaps this may be the best litter bill that has been introduced this session. The thrust or the impact of this bill, I think, will be significant and it is not difficult to understand. At the present time, judges are able to on convictions fine people that are charged with this offense and convicted of this offense, and either fine them or place them in jail. The thrust of LB 114 would be to provide additionally that the judge could indicate that the individual so convicted collect litter in a designated area. Now this is not a new concept. It is one that has been adopted by at least 25 states here in the United States. I think that such a proposal would act as an adjunct to what we presently have in the way of fines and imprisonment and I would move for the advancement of LB 114.

SENATOR MARVEL: Senator Chambers, then Senator Nichol, then Senator Simon.

SENATOR CHAMBERS: Mr. Chairman, my speaking against this bill does not surprise Senator Stoney, I am sure, because I spoke against it very vehemently in committee and I will speak against it here. If you analyze the bill, you see the new language beginning with line 10, "in lieu of such fine or imprisonment, the judge may require". The judge cannot require a person to do anything in the way of forced labor. The judge can say go out there and do it but the person doesn't have to do it. The person can say, no, I am not going to do it. Sue me. And what will the judge say. Then I will put you in jail until you agree to do it and the person says put me in jail because I have pride and I am not going to let you degrade me. Remember, the judge has total volition and discretion in this matter and he can forget about the fine and the thirty day imprisonment and tell you, Chambers, I am going to break your spirit. You are going to get out there and serve one to five miles and you are going to pick that trash up and I want to see your elbows in you know what. Now get out there and get to getting. And I say, Judge, you can tell me to do it but you can't make me do it. He says, then, until you purge yourself of your contempt, I am going to keep you locked up. And I say, well, you can't keep me locked up beyond thirty days of the original sentence. He says, oh, but Chambers, I am not sentencing you for littering. I am sentencing you for being in contempt and I am going to hold you in jail until you purge yourself of your contempt. And don't say

02751