

charged with the offense again, the record would be expunged. Now that's what we passed this morning and what expungement means is they would be basically destroyed, the record would be eliminated. Now, Senator Rumery says it means erased and that's exactly what it does. Now I did not think it would be possible to get criminal records erased like that so what I came up with was to indicate that after ten years, if there was not an offense, if someone had fulfilled probation, their sentence, whatever, parole, if after ten years they did not commit another criminal offense, the records would be sealed. Now what I mean by having the records sealed is that they still would be on file but they would not be accessible to the general public. I did provide three exceptions under which they could be reopened and these are three exceptions that exist right now in the bill with regards to when you are charged but no action is taken and those three exceptions are: It's currently the subject of prosecution or correctional control as the result of an arrest so if you are re-arrested even after ten years, those records would be reopened. The second is, and this is kind of an interesting one, this exception is already in the bill, is an announced candidate for or holder of public office and I think that's kind of an extension of the sunshine concept. That's already in the bill. What that says is that that would be accessible to the public and the press. The record would be reopened and the third is, if the individual involved themselves has made a notarized request for the release of their record to a specific person. So if you are the one for which there is a record and you want it released after ten years, you could have it unsealed. Now let me stress again that this is far far less than what was acted on this morning by the Legislature. What we said there is after five years if the offense does not happen again, we will eliminate any record and would not ever be reopened because it would be destroyed. I can't see how we can make that sort of ruling for a crime such as drunk driving and yet not allow this type of provision for other penalties. So with that introduction I would move the adoption of this amendment.

SENATOR SAVAGE: The Chair recognizes Senator Simon.

SENATOR SIMON: Mr. President, members of the Legislature, LB 713 of course is certainly one of the most controversial bills that we have got left to debate today and the Fowler amendment is very important and I guess for one, I find it a little disheartening when I look in front and behind me and find that we probably don't even have twenty five people here to vote if it passed unanimously. Because of that and because I believe that this should be given due consideration I would move that we recess until 1:30. I move, Mr. President, that we recess until 1:30.

SENATOR SAVAGE: All right, motion to recess until 1:30. All those in favor vote aye. Opposed vote nay. Machine vote. Have you all voted? Please vote. Have you all voted? Record.

CLERK: 13 ayes, 13 nays, Mr. President. Chair votes aye.

Edited by:

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