

March 5, 1982

LB 869

again this is a bill that attempts to impose a minimum sentence but we can deal with it differently than the other because it has come out in the discussion as is written in this bill and in the other that there is the alternative of a fine. So either you are going to fine the people or you are going to jail them. So I would like to ask Senator Stoney a question. And, Senator Stoney, I am not going to put a kill motion on this bill. What are you interested in doing, have the person jailed for a mandatory 24-hour period, or have the person fined?

SENATOR STONEY: Senator Chambers, the way the bill is written it provides discretion to that judge. It would be for the judge to come to a determination as to whether or not he or she wished to fine that individual or to imprison them. So that is the reason that the latitude has been granted in the provisions of 869.

SENATOR CHAMBERS: Suppose then that we just strike the provision that relates to the mandatory jail sentence, and just leave it a fine.

SENATOR STONEY: Well, once again I don't think it provides the discretion as it does presently. It gives the judge with the facts that are given the opportunity if he feels in the instance of this person that it might be more beneficial for them to spend 24 hours in jail to think about this activity, then I think the judge should have that discretion and be able to mete out such a penalty.

SENATOR CHAMBERS: Thank you. Members of the Legislature, if there is a market in the production of these items, then the way to deal with that problem because you are dealing with the supplier now, is to hit him or her in the pocket with a substantial enough fine to cut into the profits. If jail would be a deterrent, it might be for a very young person who could be thrown in with cutthroats who would intimidate, threaten and maybe do things physically to that child. You might use the jails as a punishment in and of itself for those who are very young. But if the cost of doing business might be 24 hours in jail, perhaps a supplier would be willing to undergo that cost. And the way that is done is to have a shield or a front who will be in the position if arrest is made to serve the 24 hours in jail, and the one you are really after does not spend any time in the jail and the fine is not really that much. So what I think you ought to do if you want to get at those who are supplying this type of identification, is to put a fine which is large enough to make it not profitable to

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