

circumstances than is really necessary to deal with those circumstances, those examples brought to us by the law enforcement officers. I don't know if I have time to go over the testimony of Mark Delman from the Douglas County Attorney's Office, of Detective Wally Jernigan of the Omaha Police Division, or Lieutenant Jim Sanderson of the Sarpy County Sheriff's Office. But each of those law enforcement officers brought to us examples. For instance, Mark Delman talked about a man, aged 42, in the Omaha area that went about taking pictures of young girls, age 4 to 17, didn't distribute these to anybody, but he had them for his own private use, had a large collection for his own private use that he kept in his home. Now that conduct would clearly be made, now with Senator Higgins' most recent amendment, a 25-year felony under this bill, first offense and second year and subsequent year offense...and subsequent offense a 50-year felony.

SPEAKER NICHOL: One minute.

SENATOR HOAGLAND: The same with the examples from Detective Jernigan and Lieutenant Sanderson. This particular amendment, by fuzzing the distinction between mere possession and possession with intent to distribute, goes far, far beyond what is necessary to deal with the issue before us, raises constitutional questions, raises overbreadth questions, fuzzes up the bill conceptually, and once again is not going to have any practical effect out there. Now again this isn't a particularly important amendment. The important amendment is the one that is going to follow next. That is the one where you all are going to have a difficult public policy decision to make. But as a matter of policy, as a matter of writing a good bill that is technically correct and that is conceptually clean, it does not make sense to adopt this amendment and I would urge you to reject it. Thank you, Mr. Speaker.

SPEAKER NICHOL: Senator Higgins, would you like to close, please? Just a moment. Now.

SENATOR HIGGINS: Thank you, Mr. President. Senator Hoagland has stated that this amendment is not good public policy, and he says that I am attempting to put possession in the bill. Let me read to you the United States Supreme Court's decision when it comes to child pornography, not the Nebraska, the U.S. Supreme Court's decision. This was under