

weapon. Well, that evidence that is gotten in that search warrant is thrown out and it can't be used against that individual in a court of law. The search warrant specifies what that law enforcement official can search for, period. Now what we are defining here, we are making it very clear to law enforcement officials when daytime is and when nighttime is. According to the case that the Supreme Court looked at, and I will quote from it, it stated that, "The Nebraska Legislature has chosen not to define the word 'daytime'. It is a simple rule of statutory construction which is not specifically defined." And I feel that it is the responsibility, as the court does, it is the responsibility of the Nebraska Legislature to define when is daytime, if we want to distinguish between daytime search warrants and nighttime search warrants. Now as I said, the State of Iowa has chosen not to differentiate between a search warrant during the daytime hours and the nighttime hours. They state that whenever there is a search warrant, you can go ahead and search that person's house at 2:00 a.m. in the morning and it would be considered a daytime search warrant. Now as far as kicking in the door on an individual, if you have a no-knock search warrant, I suppose you could do that. You could go ahead and kick in their door. In cases where there is drugs involved, and let's say like it is a crack house, they can go to a judge and request, because of the danger to law enforcement officials, they can go to that judge and say, we need a no-knock because the door is reenforced. We are in fear that if we knock on the door, we are going to get our head blown off. In that case they can get a no-knock. But we are not talking about that in this sense. That is something...that is a separate issue involved in a search warrant. That is a separate issue for the judge to determine. Now like I said, I had my options in introducing this bill to differentiate between the two. I could have taken the approach that Iowa, Colorado, Wyoming, and a number of other states have taken and not differentiate between the two, but I thought that the most prudent course would be to go ahead and keep it, even though I didn't see much of a reason for it, go ahead and keep it. We will follow the federal laws. That way when federal law enforcement officials work with state officials, they can work together and follow the same rules.

SPEAKER BARRETT: One minute.

SENATOR ABOUD: Thank you.