

PRESIDENT MOUL: Time. Thank you, Senator Chambers. Senator Beutler.

SENATOR BEUTLER: Madam President, members of the Legislature, Senator Kristensen, you're our most experienced prosecutor, and this is maybe unfair of me to ask you questions, but if you would agree and if you've had a chance to look at the bill, I'd like to ask you a couple of questions, if I may.

PRESIDENT MOUL: Senator Kristensen.

SENATOR KRISTENSEN: Yes, I think.

SENATOR BEUTLER: As you are aware, really the emotional focal point of this bill is the idea of stalking. We already have laws that have to do with assault and with threats of assaults. I hand...I passed out assault in the third degree, with which you're well familiar, so the key of what we're trying to do here is are we doing anything about stalking? All right, the definition of stalking out of the dictionary is to track in a stealthy manner. I think that most of us think of it as following somebody repeatedly, just shadowing them around and scaring them, frightening them. Let's take an example. Let's say that we're here in Lincoln down in my district and a young woman is being followed around by a scary character. He's following her by 15 feet. He grimaces, makes faces at her, never says a thing, never says a thing, bothers her for 15 days running. Under this bill, Senator Kristensen, is there any way at all it could be prosecuted?

SENATOR KRISTENSEN: No, because you haven't met the second requirements of the restraining orders or the protection orders or those sorts of things. You don't get to those hurdles. That conduct would probably be prosecuted under...probably under assault of the third degree, menacing in a...threatening in a menacing manner. The proof problems, of course, to that become it's her word against...let's just assume it's a him. It's one word against another. I mean that's always going to be a problem under both procedures because it's one word against another. It's how do you do that...

SENATOR BEUTLER: Um-hum.

SENATOR KRISTENSEN: ..and that's common with every victim to