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FLOOR DEBATE

January 24, 2002 LB 66, 82, 221

the primary purpose of the law was to remove guns from schools, and keep firearms from school children. However, as we all know, tragically, since 1994 concerns have increased regarding guns in school because of some very unfortunate incidents across the nation. Presently the penalty for anyone, student or adult, possessing a firearm on school grounds is a Class IV misdemeanor. That's punishable by a fine of \$100 to \$500. The amendment changes the statute for unlawful possession of a firearm to a Class II misdemeanor. A Class II misdemeanor carries a sentence of up to six months imprisonment, up to a \$1,000 fine, or both. There is no minimum sentence. Thus we are, in fact, toughening our criminal code with regard to those who would possess firearms on school property. Your committee believes that to be appropriate. Also timely, and still timely, and maybe more timely, is what was Senator Tyson's original bill, LB 221, that's Sections 11 and 12 of the amendment, which relates to explosives. The definition of destructive devices is amended to include chemical or biological poison type devices. The amendment creates the offense of placing a false bomb. A person commits the offense of placing a false bomb when he places a device that appears to be, or could contain, a bomb, destructive device, or explosive but is an imitation of such, and when that person knows, intends, or reasonably believes it is likely to cause public alarm or inconvenience. Placing a false bomb is classified as a Class IV felony, punishable by up to 5 years imprisonment or a \$10,000, or both. Again, we respectfully submit it's timely, it's necessary, it is a fuller exercise of our criminal justice statutes and something which we believe the body, we hope, would want to pass and the Governor would want to sign. Next we have what was the original LB 66, introduced by Senator Bruning. Section 19 of LB 66 amends the statute with regard to punishments for violating protection orders. Presently the law punishes those who knowingly violate a protection order as a Class II misdemeanor...

SENATOR CUDABACK: One minute.

SENATOR BRASHEAR: ...unless such person has a prior conviction for violating a protection order in which case he or she is guilty of a Class I misdemeanor. Or such person has a prior conviction for violating the same protection order in which case