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SENATOR BRASHEAR: AM2314 deals with changes to sections regarding the recording of custodial interrogations. In attempting to define custodial interrogation, your Judiciary Committee amendment cites to the U.S. Constitution and the Nebraska Constitution. The specific citations to those documents are incorrect in the standing committee amendment. The correct citations are the Fifth not the Fourth Amendment to the Constitution of the United States, and Article I, Section 12, not Section 7 of the Constitution of the State of Nebraska. Article I, Section 12 of the Nebraska Constitution parallels the Fifth Amendment to the Constitution of the United States. That section is basic for our constitutional right against self-incrimination. When a suspect is in custody and interrogated, it is determined on a case-by-case basis whether that suspect has waived his or her privilege against self-incrimination voluntarily, knowingly, and intelligently. The courts have created guidepost rules on that matter. We would urge the adoption of the...of AM2314. Thank you.

SENATOR CUDABACK: You've heard the opening on the amendment to the committee amendment offered by Senator Brashear. Open for discussion. Senator Dierks.

SENATOR DIERKS: Thank you, Mr. President. I'd like to ask Senator Brashear a question, if I may, please.

SENATOR CUDABACK: Would you yield to a question, Senator Brashear?

SENATOR BRASHEAR: Yes, Mr. President.

SENATOR DIERKS: Senator Brashear, the...the amendment that you're...that you have that you're dealing with right now is on a part of the committee amendment that I had a question about, and that is on the recording and interrogation of...of arrestees, or whatever. Is that all new language? I mean it is all new language, is that something that's not been in law before?

SENATOR BRASHEAR: That has not been in the law before.