

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

January 23, 2004 LB 304

impulse of a moment, whatever--but it...is it your intent that the failure to follow any of these procedures would result, or could result, or would be grounds for arguing for the suppression of evidence at a trial? I'd yield my time to Senator Synowiecki.

SENATOR CUDABACK: Senator Synowiecki, about one minute.

SENATOR SYNOWIECKI: Senator Beutler, can you be a little more...clarify the question a little more?

SENATOR CUDABACK: Senator Beutler.

SENATOR BEUTLER: Well, let's say that...you have a number of procedures in here with respect to...with regard to when and where, and some questions like that, a police officer can be interrogated. Let's say they interrogate him at the wrong time. They wake him up in the middle of the night, and it's found that it wasn't really an emergency, and they interrogate him and he admits to something. Next day, he's charged, he comes up for trial. The first thing his attorney does is file a motion to suppress the evidence on the basis that it was obtained from him at 2:00 in the morning in a nonemergency situation, which was in violation of section such-and-such of the statutes which requires him to be interrogated during regular office hours or during regular business hours or...

SENATOR CUDABACK: I'm sorry, your time is up, Senator Beutler.

SENATOR BEUTLER: ...I'm forgetting the exact language that it says.

SENATOR CUDABACK: Thank you. Senator Bourne, motion to recommit.

SENATOR BOURNE: Thank you, Mr. President, members. Senator Beutler, I think the answer to your question is in Section 10 of the bill, on page 6, where it talks about, the peace officer can, or the clerk, or the janitor, can have the right to petition the district court for monetary damages, attorney fees, cost of the action, and equitable relief. It doesn't say