

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

January 24, 2006 LB 779, 1075

would be a litany of all sorts of criminal offenses. What I've done in LB 1075 is I've narrowed that use of this section to just basically child porn, possession of child porn, sexual assault of a child. Basically, I'm looking at predators over the Internet that are seeking children. So we've narrowed it down quite a bit. Anticipating quite a reaction from you and the committee, I felt that LB 1075 is a more common-sense approach to accomplishing my goal rather than a broad blank check for county attorneys to subpoena records for any violation of Chapter 28 of our statutes.

SENATOR CHAMBERS: Senator Flood, since the issue is before us, you said that the State Patrol has some authority which, frankly, I was not aware of. How broad is their authority, and does what you're offering in the bill that will remain alive mirror that, does it go beyond it, or is it less than what the State Patrol would have?

SENATOR FLOOD: Substantially less. Currently under Section 86-291 of our code, a county attorney can request or subpoena similar to a civil procedure 34B motion. They can get information regarding offense of murder, kidnapping, robbery, bribery, extortion, dealing in narcotics or other dangerous drugs. This bill that I've introduced in LB 1075, to be heard by the Judiciary Committee, allows the county attorney to expand their powers by requesting information regarding the sexual assault of a child or vulnerable adult, possession of child porn, sexual assault of a child. So this is a...this is much less restricted than the power that an executive branch agency has in Chapter 81.

SENATOR CHAMBERS: Senator Flood, there has been a practice that has grown up among law enforcement individuals in agencies where an adult will pretend to be or represent himself as being an underage child. Do you approve of and agree with that approach? And if a person takes the bait and talks to this person as though the person were a child and sets up an agreement or an arrangement where they meet, the person can be arrested and charged as though this contact had been with the underage child when, in fact, it was with an adult. Do you agree with that practice as it is being carried forth currently?