

April 19, 1979

LB 152

SENATOR DeCAMP: Yes, sir.

SPEAKER MARVEL: The motion is to advance 152 to E & R for Review. All those in favor vote aye...excuse me, Senator Labeledz, do you wish to make a comment on this bill? We're ready to advance it.

SENATOR LABEDZ: Yes, I would. Thank you, Mr. Speaker. I have been consistently voting against LB 152 and there are parts I know that should be changed on the criminal code that we passed two years, but perhaps Senator DeCamp can answer me this. By easing the gambling crime from a felony to a misdemeanor, this is the change that I object to.

SENATOR DeCAMP: Yes.

SENATOR LABEDZ: The change, Senator DeCamp, may prevent the federal authorities from helping local law enforcers investigate gambling. Ed Kropinsky, the FBI Special Agent in charge of Nebraska said that you may have overlooked a federal statute for the racketeer influence in corrupt organization, the statute targeted for organized crime. That statute deals with gambling and other organized criminal activity, but for it to be used, for the federal government to be able to come in and help us with investigations, the state law must make the crimes punishable by more than a year in prison according to Sally Johnson who is the Assistant to the U. S. Attorney here in Lincoln. Miss Johnson said it could prevent federal authorities from investigating under the federal statute any gambling that doesn't carry a felony penalty under state law.

SENATOR DeCAMP: You want an answer, right? Okay. The legislation with the misdemeanor penalty was drafted by combination with the misdemeanor penalty, I might add. Can everybody hear? Was drafted by Mr. Warin who is now the U. S. Attorney by the Attorney General's office, and by as I said, Mr. Gibson. Now, that question was raised after the Attorney General's letter that I read to you was presented to me. I am still waiting to get information whether there is any problem here, and if there is, if there is indeed a problem, I will on Select File offer a solution to that problem that I get from them specifically. That is a promise I give to you. Now, in addition, the information that you've brought to me wasn't from Mr. Warin. It wasn't from Mr. Douglas. It wasn't from the chief law enforcement officials themselves, but it was as you correctly stated from Mr. Kropinsky who is a worker or an agent of